

ACTS
OF THE
COUNCIL
OF THE
GOVERNOR OF FORT SAINT GEORGE
FOR THE
PURPOSE OF MAKING LAWS AND REGULATIONS.
1862 TO 1865.

WITH A COPIOUS INDEX, &c.

MADRAS:
PRINTED FOR GOVERNMENT
AT THE ADELPHI PRESS, 175, MOUNT ROAD.

1866.

TITLES
OF
ACTS PASSED BY THE GOVERNOR OF FORT SAINT
GEORGE IN COUNCIL
IN THE YEARS 1862—65.

TITLES OF ACTS PASSED IN 1862.

- ACT No. I.—An Act for the levy of Port dues in the Port of Ganjam.
- „ „ II.—An Act to extend the provisions of Act XXV of 1859, entitled an Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.
- „ „ III.—An Act for enabling the Commissioner of Police at Madras to make Bye-Laws for more effectually carrying out in the Town of Madras the objects of Acts XIII of 1856 and XLVIII of 1860, and for the better and more effectual preservation of order therein.
- „ „ IV.—An Act to exempt enfranchised Inams from the operation of Regulation IV of 1831, and Acts XXXI of 1836 and XXIII of 1838.
- „ „ V.—An Act for regulating the Bank of Madras.

TITLES OF ACTS PASSED IN 1863.

- ACT No. I.—An Act to enable Subordinate Magistrates of the Second Class to take cognizance of offences under Section 174 of the Indian Penal Code.
- „ „ II.—An Act to extend certain provisions of Act XXII of 1855.

TITLES OF ACTS PASSED IN 1865.

ACT No. III.—An Act to make better provision for the service of Process under Act XIII of 1859.

IV.—An Act for investing certain Courts in the Presidency of Fort Saint George, either wholly or in part, with the jurisdiction exercised by Courts of Small Causes established under Act XLII of 1860.

„ V.—An Act to prevent damage to the Madras Pier; to regulate the traffic; and to provide for the levying of tolls upon the same.

„ „ VI.—An Act to provide for the maintenance of certain Schools in the Delta Taluqs of the Godavery District, under the Presidency of Fort Saint George, and to enable the inhabitants of any town, village, or place, in any District under the said Presidency, to assess themselves for the establishment and maintenance of Schools.

TITLES OF ACTS PASSED IN 1864.

ACT No. I.—An Act to repeal (Madras) Act No. II of 1863, and to provide for the extension of certain provisions of Act XXII of 1855, to all Ports for the landing and shipment of Merchandize within the Madras Presidency.

„ „ II.—An Act to consolidate the Laws for the recovery of arrears of Revenue in the Madras Presidency.

„ „ III.—An Act for amending the Abkary Laws of the Madras Presidency beyond the limits of the Madras Abkary, as prescribed by Act XIX of 1852.

„ „ IV.—An Act for the levy of a Cess in lieu of Village Service Fees.

TITLES OF ACTS PASSED IN 1865.

ACT No. I.—An Act to provide for the alteration of the Stations of Zillah Courts and limits of Districts or Zillahs in the Madras Presidency.

ACT No. II.—An Act for the repeal of Sections 48 and 49 of Act VII of 1843.

„ „ III.—An Act to make better provision for the punishment of offences against Special and Local Laws.

„ „ IV.—An Act to make provision for the administration of Military Cantonments in the Presidency of Fort Saint George.

„ „ V.—An Act to amend Act XXIV of 1859.

„ „ VI.—An Act to enable the Governor in Council to direct and prescribe what official seals Collectors, Magistrates and other Public Officers shall have and use.

„ „ VII.—An Act to enable the Government to levy a separate Cess for the use of water supplied for irrigation purposes in certain cases.

„ „ VIII.—An Act to consolidate and improve the Laws which define the process to be taken for the recovery of Rent.

„ „ IX.—An Act to amend the Law relating to the appointment of Municipal Commissioners for the Town of Madras and the management of its Municipal affairs, and to make better provision for the Police, Conservancy and Improvement of the said Town; and to enable the said Commissioners to levy Taxes, Tolls, and Rates therein.

„ „ X.—An Act to provide for the appointment of Municipal Commissioners in Towns in the Presidency of Fort Saint George, and for the Police, Conservancy and Improvement thereof, and for the levying of Rates, Tolls, and Taxes therein.

Table shewing the dates on which the following Acts have been brought into operation.

Year.	No. of Act.	Date of coming into operation.		REMARKS.
1862	I	12th April	1862	
"	II	12th April	1862	
"	III	12th April	1862	
"	IV	12th June	1862	
"	V	1st March	1862	
1863	I	1st June	1863	
"	II	1st June	1863	
"	III	1st Aug.	1863	
"	IV	1st July	1863	
"	V	1st Sept.	1863	
"	VI	1st Sept.	1863	
1864	I	1st Aug.	1864	
"	II	1st Nov.	1864	Vide Notification, Revenue Department, dated 12th August 1864.
"	III	1st Jany.	1865	Vide Notification, Revenue Department, dated 9th September 1864.
"	IV	1st Jany.	1865	This Act has been brought into operation in the Trichinopoly District on the date specified. (Vide Notification, dated 10th December 1864.)
1865	I	5th Jany.	1865	
"	II	27th Jany.	1865	
"	III	1st June	1865	Vide Notification, Judicial Department, dated 9th May 1865.
"	IV	.....		This Act is about to be repealed.
"	V	28th April	1865	
"	VI	19th Aug.	1865	
"	VII	7th Sept.	1865	
"	VIII	1st Jany.	1866	Vide Notification, Revenue Department, dated 18th November 1865.
"	IX	1st Nov.	1865	
"	X	.....		This Act has not yet been extended to any Town.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL

ACT No. I OF 1862.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 20th March 1862, and of the Governor-General on the 12th April 1862.)

An Act for the levy of Port dues in the Port of Ganjam.

WHEREAS it is necessary to fix the amount of Port dues to be hereafter levied and taken in the Port of Ganjam, in accordance with the provisions of Act XXII of 1855 ; It is enacted as follows :—

1. Port dues at a rate not exceeding the rate of one Anna for every ton of burden shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards, other than Dhonies and country vessels employed in the Coasting trade, which shall enter the said Port. Port dues shall be chargeable in respect of Dhonies and vessels employed in the Coasting trade at a rate equal to one-half the rate chargeable in respect of other vessels.

Port dues on sea-going vessels of 20 tons and upwards, other than Dhonies and country vessels entering Port.

Port dues on Dhonies and country vessels.

2. Provided that no dues as aforesaid shall be chargeable at the said Port oftener than once in sixty days in respect of the same vessel.

days in respect of the same vessel.

3. Vessels entering the said Port, and leaving the same

within forty-eight hours, without discharging or taking in

No Port due on vessels leaving Port within 48 hours without discharging or taking in cargo.

Port due on vessels leaving Port within seven days without discharging or taking in cargo.

any cargo or passenger therein, shall not be charged with any Port due, and vessels so entering and departing as aforesaid within seven days shall be charged one-half only of the Port dues which would otherwise be chargeable.

4. Vessels entering the Port in ballast shall be charged with three-fourths only of the Port due which would otherwise be chargeable.

Commencement of Act.

5. This Act shall commence and have effect from the first day of May 1862.

6. The Government of Fort St. George shall, on or before the first day of May 1862, pursuant to Section XLII, Act XXII of 1855, declare by Notification to be published in the *Fort St. George Gazette*, the rates at which Port dues shall be levied in the said Port subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port due shall be levied at the said Port except under the authority of Act XXII of 1855, and of this Act.

No other Port dues to be levied.

Act to be read as part of Act XXII of 1855.

7. This Act shall be read with and taken as part of Act XXII of 1855.

ACT No. II OF 1862.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 20th March 1862, and of the Governor-General on the 12th April 1862.)

An Act to extend the provisions of Act XXV of 1859, entitled an Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHEREAS it is necessary to extend the provisions of Act

XXV of 1859, entitled “An Act to prevent the overcrowding of

Preamble. Vessels carrying Native Passengers in the Bay of Bengal”; It is hereby enacted:—

1. From and after the passing of this Act, the provisions of Act XXV of 1859 shall be deemed and to apply (so far as the same are applicable) to all Vessels, licensed or unlicensed, which shall carry or convey Native Passengers from any Port or place in the Island of Ceylon, to any Port or place whatsoever within the limits of the Presidency of Fort Saint George.

2. Every offence against this Act, or against the provisions of Act XXV of 1859, as by this Act extended and applied, shall and may be inquired into, tried, and punished by the Magistrate of any place where such offence was committed wholly or in part, or where the offender shall or may be found.

3. The term “Magistrate” shall be deemed and taken to include all Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

ACT No. III OF 1862.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 20th March 1862, and of the Governor-General on the 12th April 1862.)

An Act for enabling the Commissioner of Police at Madras to make Bye-Laws for more effectually carrying out in the Town of Madras the objects of Acts XIII of 1856, and XLVIII of 1860, and for the better and more effectual preservation of order therein.

Preamble. WHEREAS it has been found by experience that the power to make Bye-Laws given by Act XIV of 1856 to the Municipal Commissioners at Madras thereby appointed, has greatly facilitated the effectual working

of the said Act at Madras, and whereas also the want of a similar power to the Commissioner of Police at Madras has, by reason of local peculiarities, been frequently found to interfere with the effectual carrying out at Madras of the objects of Acts XIII of 1856 and XLVIII of 1860, and with the preservation of order within the Town of Madras ; It is enacted as follows :—

1. The Commissioner of Police at Madras may, from time to time, with the sanction of the Government of Fort St. George, make such Bye-Laws as he shall consider necessary for more effectually carrying out within the Town of Madras the objects of Act XIII of 1856, Act XLVIII of 1860, and for the preservation of order within the limits of the said Town, and may, from time to time, repeal, alter, or amend, any such Bye-Laws ; provided always that no such Bye-Laws be repugnant to law or to the provisions of the aforesaid Act.

2. No Bye-Law or alteration of a Bye-Law shall have effect until the same is confirmed by the Government.

3. No Bye-Law, or alteration of a Bye-Law, shall be confirmed until the same has been published in the Government Gazette for one month, during which period a copy of such proposed Bye-Law shall be kept at the office of the said Commissioner, and all persons may, at reasonable times, inspect such copy without fee or reward.

4. Such Bye-Laws, when confirmed, shall be published in the Government Gazette, and a copy thereof, in English and in the vernacular languages chiefly in use, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the said Commissioner.

5. All Courts and Magistrates shall take judicial notice of such Bye-Laws, when the same shall have been confirmed and published as aforesaid.

6. For any breach of such Bye-Laws, the offender shall be liable to a fine not exceeding ten Rupees, and, in default of payment, to imprisonment, with or without hard labor, for a period not exceeding one week.

7. The said Commissioner shall publish short particulars of the several offences for which any penalty is imposed by any Bye-Law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English and in the vernacular languages chiefly in use, to be painted or placed on boards, which shall be hung up in some conspicuous part of his office.

ACT No. IV OF 1862.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 15th May 1862, and of the Governor-General on the 12th June 1862.)

An Act to exempt enfranchised Inams from the operation of Regulation IV of 1831, and Acts XXXI of 1836 and XXIII of 1838.

WHEREAS, by Regulation IV of 1831, of the Madras Code, and Acts XXXI of 1836, and XXIII of 1838, all hereditary and personal grants of Land Revenue in this Presidency are removed from the cognizance and process of the Courts of Civil Jurisdiction, and the power of deciding on claims to these tenures is reserved to the Government; and whereas, under the Inam rules sanctioned by Government under date the 9th August 1859, the reversionary rights of Government are surrendered to the Inamdars, in consideration of an equivalent annual quit rent, and the Inam lands are thus enfranchised, and placed in the same position as other descriptions of landed property, in regard to their future succession and transmission; It is hereby enacted as follows :—

1. All Inams of the classes described in Clause I, Section 2, Regulation IV of 1831, which have been or shall be enfranchised by the Inam Commissioner and converted into freeholds in perpetuity, or into absolute freeholds

Regulation IV of 1831, and Acts XXXI of 1836, and XXIII of 1838, not to apply to enfranchised Inams.

in perpetuity, shall be exempted from the operation of Regulation IV of 1831, and of Acts XXXI of 1836 and XXIII of 1838, of the Madras Code.

2. The title deed issued by the Inam Commissioner, or an
Evidence of enfranchise-
ment. authenticated extract from the Register
of the Commissioner or Collector, shall be
deemed sufficient proof of the enfranchisement of land previously
held on Inam tenure.

ACT No. V OF 1862.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 8th May 1862, and of the
Governor-General on the 14th June 1862.)*

An Act for Regulating the Bank of Madras.

WHEREAS the Governor of Madras in Council has, pursuant
Preamble. to the provisions of Act IX of 1843, given
twelve months' due notice to the Bank of
Madras that the provisions of the said Act, as regards the power
of the Bank to issue Promissory Notes under Section XXXIII of
that Act, would be modified, and it is expedient that the pro-
visions of the said Act, and of Act XXI of 1854 (*to amend the
law relating to the several Banks of Bengal, Madras and Bom-
bay*), and of Act XXVII of 1855 (*to enable the Banks of Bengal,
Madras and Bombay to transact certain business in respect of
Government Securities and shares in the said Bank*), as regards
the said Bank of Madras, should be re-enacted, with certain
amendments and modifications hereinafter contained ; It is
hereby enacted as follows :—

1. Act IX of 1843, except in so far as it repeals any prior
Acts IX of 1843, XXI
of 1854, and XXVII of
1855, are repealed. Charter, Regulation or Act, and except as
to any Act or offence done or committed,
or any liability incurred before this Act
shall come into operation, and Acts XXI of 1854, and XXVII

of 1855, so far as they severally relate to the Bank of Madras, are repealed from and after the coming into operation of this Act.

2. From and after the coming into operation of this Act, Bank of Madras shall and notwithstanding the repeal of the said Act IX of 1843, the present and future Proprietors of the Capital Stock of the Bank of Madras shall continue to be a body corporate, by the name of the Bank of Madras, with perpetual succession, and shall continue to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

3. All property and securities for property, claims and demands whatsoever, now vested in or held by the said Bank of Madras under and by virtue of the said Act IX of 1843, shall, from and after the coming into operation of this Act, be vested and continued in the said Bank of Madras as and being a body corporate under and by virtue of this Act as aforesaid, and the said Bank of Madras, as such body corporate, shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of this Act so coming into operation, and no suit or proceeding at Law or in Equity then pending, shall cease or abate, in consequence of the repeal of the said Act IX of 1843, or of the continuance of the said Bank by virtue of this Act.

4. The said Bank so continued as aforesaid shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent as such body corporate to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

5. The existing Capital of the said Bank, now consisting of 3,000 shares of Rupees 1,000 each, shall continue to be the Capital of the said Bank, but each of such shares shall, from and after the coming into operation of this Act, be divisible into

half and quarter shares, and such Capital shall be subject to such increase as next hereinafter mentioned.

6. It shall be lawful for the Directors of the said Bank for the time being, from time to time as and when they shall deem it expedient so to do, and on such previous Notification as they may deem sufficient in that behalf, to increase the said Capital, and for that purpose to make such orders and directions for the opening of subscriptions towards such increase of Capital by the Proprietors of the Bank for the time being as to them may seem fit, and also to allow to the said Proprietors such period to fill up the subscription as to them, the said Directors, shall seem meet, and also to prescribe in what manner and form the said Proprietors shall subscribe and pay into the said Bank, the proportions of new Capital which such Proprietors may respectively desire to subscribe, and also to make such orders and directions as to them, the said Directors, may seem fit, for the disposal and allotment of the amount of new Capital that may not be subscribed for and paid up by Proprietors for the time being in the manner and form so prescribed. Provided always that the Capital of the said Bank, including any increase therein that may be made under Section 36 of this Act, shall not in the whole exceed six thousand (6,000) shares of 1,000 Rupees each.

7. It shall be lawful for any Proprietor of any Rupees 1,000 share or shares, or of any half or quarter share or shares in the existing Capital or in the new Capital so to be created as aforesaid, at any time and from time to time, to surrender such share or shares, or half or quarter share or shares, or any of them, to the Directors of the Bank for the time being, and to demand and receive from the Bank in lieu thereof consolidated stock to the like amount as represented by the share or shares or half or quarter share or shares so surrendered, and in like manner any Proprietor, or other person subscribing for any portion of the new or increased Capital under the provisions

Directors may add to Capital.

Not to a greater extent than 6,000 shares of 1,000 Rupees each.

Shares may be exchanged for consolidated stock.

Increased Capital may be subscribed for in Shares or Stock.

hereinbefore contained, may, at his option, subscribe for shares or for consolidated stock, or partly for shares and partly for stock.

8. The consolidated stock aforesaid shall be transferable (subject to the provisions hereinafter contained with respect to transfers) in any amount or sum not less than Rupees 250, and the holders of any share or shares, or half or quarter shares or share, or of any consolidated stock, shall be a Proprietor of, and interested in, the Capital of the Bank to the extent of the amount of the shares or half or quarter shares or stock so held by him.

9. A Certificate signed by three Directors of the said Bank shall be delivered to the Proprietor of any share, or half or quarter share, of the Capital of the said Bank, upon demand made by such Proprietor, and any Proprietor of more than one such share, or half or quarter share, may, at his option, demand a Certificate for each, or one Certificate for all his shares, and a receipt shall, in like manner, on demand, be delivered to the Proprietor of any stock, and any Proprietor of stock may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portion of the stock so held by him.

10. The proportion of the Capital of the said Bank held by any Proprietor, whether held as shares or as consolidated stock, shall be of the nature of personal estate of such Proprietor.

11. Shares in the said Capital shall be transferable by endorsement to be made on the Certificates thereof respectively under the hand of the Proprietor, or his Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, and consolidated stock shall be transferable by a Deed of Transfer executed by the Proprietor or his duly authorized Attorney, and in the form set forth in Schedule A hereto annexed, provided always that no endorsement of a Share Certificate, or Deed of Trans-

fer of stock shall be effectual to transfer any interest in the share or stock, until such endorsement or Deed of Transfer shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement or Deed of Transfer under the hand of an Officer appointed for that purpose by the Directors of the said Bank. Provided also that every transfer of shares or stock by endorsement or Deed of Transfer as aforesaid shall be liable to Stamp Duty as a transfer of shares under Clause nineteen of the Schedule A to Act XXXVI of 1860, or any future Act imposing a Stamp Duty on transfer of shares.

12. The registered Proprietors for the time being of the shares and stock into which the Capital of the said Bank shall be divided, and no other persons, shall be Members of the body corporate hereby continued, and the Bank shall not be bound or affected by notice of any trust to which any share or stock may be subject in the hands of the registered Proprietor thereof, and when any share or stock is vested in more than one registered Proprietor, such Proprietors shall, as between themselves and the Bank, be considered as joint tenants with benefit of survivorship. The shares and stock registered in the name of the Governor in Council shall be deemed to belong to the Secretary of State for India in Council.

13. The business of the said Bank shall be managed by nine Directors, of whom—so long as the Government of Madras shall hold shares or stock in the said Bank, or so long as any such arrangement or agreement with the Government as in Section 29 of this Act mentioned which has been already entered into or may hereafter be entered into, shall remain in force—three shall be appointed and removable by the Governor of Madras in Council, and the remaining six Directors, and, in case the Government shall cease to hold shares or stock in the said Bank, and no such arrangement or agreement as aforesaid shall remain in force

all the Directors shall be elected and be removable by vote of a General Meeting of the Proprietors.

14. The persons who, at the time of this Act coming into operation, shall be Directors of the said Bank, shall continue to be Directors of the said Bank, subject to removal as aforesaid, and to the provisions hereinafter contained.

Existing Directors to continue such.

15. Two of the six Directors elected, and to be elected by the said Proprietors, shall, in rotation, go out of office on the second Monday in the month of December in every year, on which day a general meeting of Proprietors shall be held for the election of two Directors

Directors to go out by rotation.

Their places supplied by election.

in their stead, provided always that any Directors going out by rotation as aforesaid shall not be re-eligible at the election which takes place thereupon, provided also that the rotation existing at the time of this Act coming into operation shall continue to be observed.

16. No person shall be eligible or qualified to serve as a Director by election of the Proprietors who shall not be a Proprietor in his own right of unincumbered shares or stock to the amount of six thousand Rupees at the least of the Capital of the said Bank, or who shall be a Director or

Directors must be owners of stock or shares to amount of Rupees 6,000.

No Director or Manager of a Bank to be eligible.

Agent or Manager of any other joint stock Bank or Branch Bank within the Town or Suburbs of Madras, or who shall be a Partner of, or Managing Agent for, or shall hold a power of procuration from any such Director, Agent, or Manager. No

No two partners in same Mercantile Firm.

two persons, who shall be partners of the same Mercantile Firm, or one of whom shall be the General Agent of, or shall hold a power of procuration from a Mercantile Firm of which the other is a partner, shall be eligible or qualified to serve as Directors at the same time.

17. In case of the death, resignation, or absence from Madras for more than three calendar months, or disqualification under the preceding Section, or removal as aforesaid, of

any Director elected or to be elected by the said Proprietors, the other Directors shall, within fifteen days after such death, removal, resignation, absence, or disqualification, call a Special General Meeting of the Proprietors, for the purpose of choosing a successor to the Director so dead, resigned, absent, disqualified or removed, and such successor shall come into the same place in the rotation above-mentioned in which the deceased, removed, absent or disqualified Director was.

18. At General Meetings of the Proprietors, whether
 Meetings of ordinary or special, every election and other matter submitted to the Meeting shall be decided by a majority of votes, and no person shall be allowed to vote at any such Meeting in respect of any share or stock acquired by transfer, unless such transfer shall have been completed and registered six months, at the least, before the time of tendering such vote.

Mode of calculating votes. 19. At all such General Meetings, the Proprietors shall vote according to the following scale:—

2 shares of Rupees 1,000 each, or consolidated stock					
amounting to Rupees 2,000, shall entitle to..... 1 vote.					
6 shares or consolidated stock, &c.... Rupees 6,000 2 votes.					
12	do.	do.	do.	...	12,000 3
25	do.	do.	do.	...	25,000 4
40	do.	do.	do.	...	40,000 5
60	do.	do.	do.	...	60,000 6

and no Proprietor shall be entitled to more than six votes, provided also that when any share or stock shall be held by joint registered Proprietors, the Proprietor whose name shall appear first in the register as one of the holders of such share or stock shall alone be entitled to vote in respect thereof, and to receive notices as if he were sole Proprietor thereof.

Joint Proprietors only to have a single vote. 20. It shall be lawful for the Governor of Madras in Council, so long as the Government shall hold shares or stock in the said Bank, or so long as any such arrangement or agreement with the Government as in Section 29 of this Act mentioned shall

Government of Madras to vote by proxy.

remain in force, to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Madras in Council may appoint to attend any General Meeting of the Proprietors, and the holder of such proxy shall be entitled to give six votes upon all matters or questions that may be submitted to such Meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

21. Any Proprietor entitled to vote at any General Meeting may give a proxy in writing, either general or special, under his hand, or the hand of his Attorney duly authorized, to any other Proprietor, and such proxy shall be produced at the time of voting, and shall entitle the person, to whom it is given, to vote on such matters as shall be authorized by the tenor of such proxy. Proxies existing and in force at the time of this Act coming into operation, shall continue in force, any thing herein contained notwithstanding.

Proprietors may vote by proxy, general or special.

Existing proxies to continue.

22. At the first Meeting of the Directors in every year, they shall choose a President from among themselves, and whenever the office of President shall become vacant, they shall, at their next Meeting, choose a successor for the remainder of the current year, and during any vacancy, or in the absence of the President, the senior Director in rotation shall be Vice-President for the time, and such President or Vice-President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

Directors to choose a President.

Senior Director to be Vice-President.

23. The persons for the time being holding the office, or duly authorized to discharge the duties, of Secretary and Treasurer, or of Secretary alone, or of Deputy Secretary of the said Bank, are hereby severally empowered, for and on behalf of the said Bank, to endorse and transfer Government securities, Railway share certificates, and bonded Warehouse Warrants, and other documents of title in, and to goods standing in, the name of the said Bank, and to draw, accept, and endorse Bills of Exchange, Bank

Mode of executing Bank documents,

Post Bills, and Letters of Credit, in the current and authorized business of the Bank, and to sign all other accounts, receipts, and documents connected with such business.

24. The seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and unless so signed by three Directors such instrument shall be of no validity.

Seal to be affixed in presence of three Directors, who shall also sign.

25. The Directors for the time being shall have power to appoint such Officers, Clerks, and Servants as may be necessary to conduct the business of the said Bank, and to remove any Officer, Clerk, or Servant of the said Bank, and to fix the salaries of such Officers, Clerks, and Servants.

Directors to appoint, remove, and fix salaries of servants.

26. No person, who shall hold the office of Secretary and Treasurer, Deputy Secretary, Head Accountant, or Head Shroff of the said Bank, shall, directly or indirectly, engage in any other commercial business, either on his own account individually or jointly with others, or as agent for any other person or persons, or act as a broker, and every person appointed to any one or more of the said offices, shall give such security to the Directors for the faithful discharge of his duty as they shall think sufficient, provided that the security to be given by any Secretary or Treasurer shall be for not less than fifty thousand Rupees.

Secretary, &c., not to trade.

And to give security.

27. The business of the said Bank of Madras shall consist of and in lending on Government securities, and shares in Railway or other Companies, the interest whereon shall have been guaranteed by Government, and on goods, wares and merchandize not of a perishable kind, in drawing, discounting, buying and selling Bills of Exchange and other negotiable securities payable in Her Majesty's Indian territories and not elsewhere, in granting Post Bills payable in Her Majesty's Indian territories, to order

Business of the Bank.

or otherwise than to bearer on demand, in buying and selling gold and silver bullion, in making investments in securities of the Government of India, or in loans or bonds secured by the Imperial Parliament on the Revenues of India, or in debentures of Railway or other Companies guaranteed by the Government of India, in receiving deposits, in opening cash accounts and credits, in transacting pecuniary agency business on commission, and in selling property or securities deposited in the Bank as security for loans and not redeemed, or property or securities recovered by the Bank in satisfaction of debts and claims.

28. In addition to drawing, buying, and selling Bills of Exchange, and granting Post Bills payable in India, it shall be lawful for the Bank to draw Bills of Exchange, and grant letters of credit payable out of India, for the use of their constituents in the Agency Department, and to buy Bills of Exchange payable out of India for the purpose of remitting funds to meet such Bills or letters of credit.

29. It shall also be lawful for the said Bank, through their Directors, under any arrangement or agreement with the Governor of Madras in Council, on behalf of the Secretary of State for India in Council, to take over and transact any part of the business of or hitherto carried on at the General Treasury, or in the Departments of the Accountant General at Fort Saint George, and to superintend, manage, and become

Agents for the issue, payment, and exchange of Government Currency Notes under Act XIX of 1861, or any Act which may hereafter be passed in relation to the Paper Currency of the Government of India, and to pay the amount of such Government Currency Notes in silver to the holders thereof on presentation and

demand, and the Directors of the said Bank shall have power, from time to time, to arrange and settle with the Governor of Madras in Council as to the terms of remuneration on which such business in relation to the General Treasury, Accountant General's Department and Government Paper Currency, shall be

undertaken by the said Bank. And also as to the examination

And as to audit of ac- and audit from time to time of the accounts
counts. and affairs of the Bank on behalf of the

Governor of Madras in Council.

30. The Directors of the said Bank shall not make any
loan or advance on shares or consolidated

No advances to be
made on Bank stock or
shares, or on immovable
property.

stock of the said Bank, nor on mortgage, nor
in any other manner on the security of any
lands, houses, or immovable property, or

the title deeds relating thereto.

31. The Directors of the said Bank shall cause the books
of the said Bank to be balanced on the

Books to be balanced
twice a year.

thirtieth day of June and the thirty-first
day of December in every year, or at such

other periods as shall from time to time be determined by the

Statement of balance
transmitted to Govern-
ment.

Directors, and a statement of the balance
at every such period, signed by a majority
of the Directors, shall be forthwith trans-

mitted to one of the Secretaries to the Governor of Madras in
Council and the Governor of Madras in Council, so long as the
Government shall hold shares or stock in the said Bank, or so
long as any such arrangement with the Government, as in Sec-
tion 29 of this Act mentioned, which has already been or
shall hereafter be entered into, shall remain in force, shall at all

times be entitled to require of the said

re- Directors any information touching the
affairs of the Bank, and the production of

any documents of the said Bank, and the Directors shall comply
with every such requisition.

32. An account of the profits of the said Bank shall be
taken half yearly on the first day of Ja-

Half yearly accounts
and dividends.

nuary and the first day of July in every
year, or at such other periods as may from

time to time be determined on by the Directors, and a dividend
thereof shall be made as soon thereafter as conveniently may be,
and the amount of such dividend shall be determined by the
Directors of the said Bank, on the basis of the actual profits
made by the said Bank during the six calendar months preced-

ing the day up to which such half yearly account shall be taken ;
 provided that the said Directors shall, in
 Reserve Fund. their discretion, have power to set apart
 such portion of the said profits as they may deem expedient to
 be added to the Reserve Fund against contingencies.

33. On the first Monday of the month of August in
 every year, a General Meeting of the Pro-
 prietors of the Capital of the said Bank
 Yearly Meeting of Proprietors. shall be held, at which the Directors of the
 said Bank shall submit to the said Proprietors a statement of
 affairs of the said Bank made up to the preceding thirtieth of
 June, or to such other day as may be determined on by the
 Directors.

34. At the first General Meeting of the Proprietors of
 the Bank held after the coming of this Act
 into operation, one or more Auditors for
 the current year may be elected by a
 majority of votes at such Meeting, and in like manner an
 Auditor may be elected at the first General Meeting of the
 Proprietors in each current year.

35. Any three of the Directors, or any ten Proprietors
 of the said Bank, may at any time convene
 a Special General Meeting of the Proprie-
 tors, upon giving fifteen days' previous
 notice of such Meeting, and of the purpose for which the same
 shall be convened, as well to the Directors of the said Bank for
 the time being, as also by public advertisement in the Official
 Gazette of Madras.

36. It shall be lawful for the Directors of the said Bank,
 with the sanction of the Governor of Ma-
 dras in Council, from time to time, to form
 Branch Banks and Agencies. business Agencies and to establish Branch
 Banks at such places as they may deem advantageous to the in-
 terest of the Bank, with full power to the said Directors to ap-
 point, during pleasure, such Agents, Clerks, and Servants, and
 either with or without local Boards of direction or management,
 and under such regulations, restrictions and conditions as to
 them may seem fit, and, from time to time, to vary such regu-

lations, restrictions and conditions, and the said Agents and other Officers shall give such security for their good behaviour as the Directors may require, and it shall also be lawful for the Directors, from time to time, under any arrangements or agreements with the Governor of Madras in Council on behalf of the Secretary of State for India in Council, to provide for the conduct and transaction by any such Branch Bank or Banks of any part of the business of or hitherto conducted at the local Government Treasuries, and for the superintendence, management, and agency of the local issue, payment, and exchange of any Government Currency Notes : Provided that such arrangements, and all regulations and directions given by the said Directors to the Agents or Managers of such Branch Banks touching the management thereof, or the description of business to be undertaken thereby, shall not contain any thing inconsistent with, or contrary to the provisions of this Act, or of any Bye-Law, Regulation or order which may be in force for the time being under the 40th Section of this Act.

37. It shall be lawful for the Directors of the said Bank, from time to time, to enter into negotiations for, and to purchase and take over the capital, assets, and business of any other Bank within Her Majesty's Indian territories, of which the Capital is divided into shares, and to grant and allot to the shareholders or Proprietors in such Bank in full of their respective right, title and interest in such Capital, assets and business, a sufficient number of shares in the capital stock of the said Bank of Madras, (which number shall be determined by the Directors) and for that purpose to increase the capital stock of the said Bank by the issue of such number of shares as may be so determined on. The shareholders or Proprietors of the purchased Bank, to whom such new shares shall be allotted, shall be Proprietors of the Bank of Madras, and be in all respects in the same position as if they had respectively subscribed and paid for the shares so allotted to them. Provided always, that the business

Business of other Banks in India may be purchased.

of Bank of Madras.

so purchased shall, after the purchase, be carried on by the said Bank of Madras with, and subject to, the several restrictions contained in this Act.

If any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares, or consolidated stock of such Proprietor registered as his own property, and not held in trust or as Executor or Administrator, until the payment of such debt, and to apply such dividends towards payment thereof, and after demand and default of payment, and notice in that behalf given either to such Proprietor or his constituted agent, or by public advertisement in the Official Gazette of Madras, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares or stock of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six calendar months after such notice, to advertise for public sale, and to sell such share or shares or stock, or so many or so much as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor or to his lawful representatives.

Dividends of Proprietor indebted to Bank may be withheld.

And registry of transfer of shares refused.

And shares sold six months after notice.

Representative of deceased shareholders must take out Probate, Administration, or Certificate.

39. When, by the death of any Proprietor, his share or shares or stock shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such deceased Proprietor, other than a person who has taken out Probate to the Will, or Letters of Administration to the Estate of such deceased Proprietor from the Supreme Court of Judicature at Madras, or who has obtained a certificate in respect of the Estate of such deceased Proprietor under Act XXVII of 1860, describing such shares or stock, from Court of competent jurisdiction within the Presidency of Madras.

40. It shall be lawful for the Directors for the time being

of the said Bank to make and pass Bye-Laws, Regulations and orders for the good government of, and in reference to the mode of conducting the business of the Bank, and from time to time to modify, rescind, and vary such Bye-Laws, Regulations and orders, and it shall further be lawful for the Proprietors of the

Which may be dealt with by General Meeting of Proprietors.

said Bank at any General Meeting, whether ordinary or special, to pass resolutions and to frame, and from time to time to rescind and vary, Bye-Laws, Regulations and orders for the direction of the affairs of the Bank, and the same shall be binding on the Directors and Officers and on the Proprietors of the Bank, until rescinded or varied at any subsequent General Meeting, provided always that no Bye-Law, Regulation or order, or alteration or rescission of any Bye-Law, Regulation or order, whether passed by the Directors or by the Proprietors at a General Meeting, shall be of any validity, except in so far as the same shall be consistent with the provisions of this Act, and shall be approved by the Governor of Madras in Council, such approval to be signified in writing under the hand of one of the Secretaries to the said Governor of Madras in Council.

Must be sanctioned by Government.

41. In the construction of this Act, words in the singular number shall include the plural, words in the plural shall include the singular, and words in the masculine gender shall include the feminine, except where the contrary appears by the context.

Interpretation clause.

Act to operate from 1st March 1862.

42. This Act shall be deemed to have come into operation on the 1st of March 1862.

SCHEDULE A.

I, A B, of , do hereby transfer to C D, of , consolidated stock of the Bank of Madras to the amount of Rupees standing in my name, to hold unto the said C D, his Executors, Administrators, Representatives, or Assigns, subject to the conditions on which I hold the same at, the time of the execution hereof.

Dated the day of

ACT No. I OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 23rd January 1863, and of the Governor-General on the 25th March 1863.)

An Act to enable Subordinate Magistrates of the Second Class to take cognizance of offences under Section 174 of the Indian Penal Code.

WHEREAS, under the existing law, disobedience to a Summons issued by a Subordinate Magistrate of the 2nd Class can only be punished by a Magistrate of a higher class; and whereas grave inconvenience has resulted therefrom, it is enacted as follows:—

1. Whenever any person, by disobedience to a Summons lawfully issued by a Subordinate Magistrate of the 2nd Class, shall have committed an offence punishable under Section 174 of the Indian Penal Code, it shall be lawful for the Subordinate Magistrate who issued the Summons, or for any other Subordinate Magistrate, to take cognizance of the offence, and to punish the offender with simple imprisonment not exceeding ten days, or with fine which may extend to three Rupees, or with both. Provided always, that nothing in this Act shall be construed to confer upon such Subordinate Magistrates authority beyond the local limits of their jurisdiction.

2. In lieu of the word “ditto” in column 7 of the Schedule annexed to the Code of Criminal Procedure, referring to Section 174 of the Indian Penal Code.

Power given to Subordinate Magistrates of the 2nd Class to punish disobedience to Summons.

Preamble.

Amendment of the Schedule to the Criminal Procedure Code.

“Magistrate of the District, or Subordinate Magistrate of the 1st Class, or, in the Presidency of Fort St. George, Subordinate Magistrate of the 2nd Class, when acting under Madras Act, No. I of 1863.”

Act to form part of
the Criminal Procedure
Code.

3. This Act shall be read and taken in the Presidency of Fort St. George as part of the Code of Criminal Procedure.

Act to take effect.

4. This Act shall come into operation on the 1st day of June 1863.

ACT No. II OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 23rd January 1863,
and of the Governor-General on the 25th March 1863.)*

An Act to extend certain provisions of Act XXII of 1855.†

WHEREAS it is expedient to enable the Government of Fort Saint George to extend the provisions of Sections 14, 16, 22 and 24, of Act XXII of 1855, to all Ports, for the landing and shipment of merchandize, within the Madras Presidency ; It is enacted as follows :—

1. The Government of Fort Saint George may, by public notification, declare that the provisions of Sections 14, 16, 22 and 24 of Act XXII of 1855, shall be applicable to any Port which has been, or which may hereafter be, declared by the Governor in Council of Fort Saint George, under Section 24, Act VI of 1844, to be a Port for the landing and shipment of merchandize.

2. In any of the said Ports, the consent referred to in Section 24 of Act XXII of 1855, may be given by the principal Officer of Customs at such Port, or by any other Officer in that behalf appointed by Government.

3. All Notifications and Orders of the Government of Fort Saint George, made in pursuance of this Act, shall be published in the manner prescribed in Section 8 of Act XXII of 1855.

Act to be read as part
of Act XXII of 1855.

4. This Act shall be read as part of
Act XXII of 1855.

Commencement of Act.

5. This Act shall come into operation
on the 1st day of June 1863.

ACT No. III. OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 21st February 1863, and
of the Governor-General on the 10th April 1863.)*

*An Act to make better provision for the service
of Process under Act XIII of 1859.*

WHEREAS the service of Process issued under the authority
of Act XIII of 1859 has been found to im-
pose excessive labor upon the Police, and
seriously to impede the discharge of their proper duties; and it
is expedient to provide that such service should be otherwise
effected; It is enacted as follows:—

1. From and after the coming into operation of this Act, no
Police Officer shall be required to serve
any Summons, or to execute any Warrant
issued under Act XIII of 1859; but every
such process shall be entrusted to Peons specially appointed for
that purpose.

2. Whenever any complaint is made of a Breach of Contract
cognizable under Act XIII of 1859, and
before any process is issued in respect
thereof, it shall be lawful for the Magis-
trate, to whom the complaint is made, to demand and require
from the complainant a sum not exceeding one Rupee for each
person on whom any such process is to be served; and such
money shall be applied in payment of the Peons employed for
the purposes of the said Act.

3. Whenever a judgment is given against a Defendant

under Act XIII of 1859, it shall be lawful for the Magistrate, in addition to any penalty which he may inflict under the said Act, to impose a fine not exceeding one Rupee ; and such fine shall be recoverable in the manner provided by the said Act, and shall, when recovered, be paid over to the complainant.

4. It shall be lawful for the Government of Fort Saint George, from time to time, to make rules for the following purposes, and to alter and revoke the same :—

I. With reference to the number of Peons to be employed under this Act ; the terms upon which they are to be retained ; and the rate of their remuneration.

II. With regard to the custody and disposal of the sums received from complainants under Section 2 of this Act, and the mode of accounting for the same.

5. The word Magistrate in this Act shall be taken to mean every functionary by whom offences under Act XIII of 1859 are cognizable.

Act to be read with
Act XIII of 1859.

6. This Act shall be taken and read as part of Act XIII of 1859.

Date of operation.

7. This Act shall come into operation on the 1st day of August 1863.

ACT No. IV. OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 6th March 1863, and of the Governor-General on the 29th April 1863.)

An Act for investing certain Courts in the Presidency of Fort Saint George, either wholly or in part, with the jurisdiction exercised by Courts of Small Causes, established under Act XLII of 1860.

WHEREAS it is expedient that in the Presidency of Fort St.

George, the disposal of small claims in the Courts of District
 Preamble. Moonsiffs should be facilitated, and that
 certain other Judges should be invested
 with Small Cause jurisdiction ; It is enacted as follows :—

1. The term “special jurisdiction,” as used in this Act, shall
 denote jurisdiction exercised in conformity
 with Act XLII of 1860, and the Acts
 amending the same.

Reg. VI of 1816, Sec. 43, repealed. 2. Section 43 of the Madras Regulation
 VI of 1816, is hereby repealed.

3. In all suits of a nature cognizable in Courts of Small
 District Moonsiffs to Causes when the debt, damage, or demand
 have special jurisdiction does not exceed in amount or value the
 up to fifty Rupees. sum of fifty Rupees, District Moonsiffs in
 the Presidency of Fort Saint George shall have the same powers
 and shall be governed by the same rules of Procedure, as if they
 were appointed under Act XLII of 1860.

4. The Governor in Council of Fort Saint George may in-
 vest any Civil or Subordinate Judge, or
 Other Judges may be invested with special Principal Sudder Ameen, with special juris-
 jurisdiction. diction within such local limits as the
 Government shall, from time to time, appoint.

5. Whenever in the Presidency of Fort Saint George a
 Judge shall have been appointed under
 Which may be declar- Act XLII of 1860, or shall have been in-
 ed to be exclusive with- vested with special jurisdiction under the
 in specified limits. preceding Section of this Act, it shall be lawful for the Gover-
 nor in Council to prescribe certain local limits within which
 such Judge shall have exclusive special jurisdiction.

6. No suit in which a District Moonsiff is competent to exer-
 cise special jurisdiction, under Section 3,
 Cases in which suit must be preferred before District Moonsiff. shall be preferred in any higher Court, un-
 less in cases where the Defendant is subject
 to the exclusive special jurisdiction of a Small Cause Court con-
 stituted under Act XLII of 1860, or of a Court invested with
 the powers of a Court of Small Causes under Sections 4 and 5
 of this Act.

Act to form part of
Act XLII of 1860.

7. This Act shall be taken and read as
part of Act XLII of 1860.

Date of operation.

8. This Act shall come into operation on
the 1st day of July 1863.

ACT No. V. OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 15th May 1863,
and of the Governor General on the 8th June 1863.)*

An Act to prevent damage to the Madras Pier ; to regulate the Traffic ; and to provide for the levying of Tolls upon the same.

WHEREAS it is expedient to make Rules and Regulations for the
purpose of preserving order upon the
Preamble. Madras Pier, and for preventing damage
thereto, and to provide for the levying of Tolls upon the same ;
It is enacted as follows :—

1. Tolls according to such rates as shall from time to time
be settled or approved by the Governor of
Tolls at such rates as Government may from
time to time fix, to be levied on all persons, &c.,
using the Madras Pier. Madras in Council, shall be levied upon
all persons, carts, carriages, merchandize,
baggage and other articles ; and upon all
cattle and other animals landed at, or shipped from, or otherwise
making use of the said Pier.

2. The said rates of Tolls, when so settled or approved as
aforesaid, shall, one week at least before
Notification of Tolls. the same shall take effect, be published in
the Government Gazette, and shall also be legibly painted in
the English, Tamil, and Telugu languages, on boards exhibited
in a conspicuous place at the entrance of the said Pier, and also
at the Pier Head.

3. A Toll-keeper shall be appointed with an establish-
ment (all and every of whom shall wear
Appointment of Toll-keeper and his establishment. a distinguishing badge), whose duty it
shall be to take the lawful Tolls, settled

or approved and published as aforesaid, to pay the same into such Treasury, and keep such accounts as Government may from time to time prescribe.

4. Every person, other than the persons appointed to collect the Tolls under this Act, who shall
Illegal collection of Tolls. levy or demand any Toll upon the said Pier, and also every person who shall unlawfully and extortionately demand or take any other or higher Toll than the lawful Toll, or, under color of this Act, seize or sell any property knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under color of this Act, shall be deemed to have committed the offence of cheating, and shall be liable to such punishment as is prescribed for that offence by the Indian Penal Code.

5. Any person who shall evade payment of the lawful Toll
Penalty for non-payment of Toll, &c. or who shall force his way into or upon the said Pier without paying the same, or who being upon the said Pier shall refuse to pay the same, or who shall force, or attempt to force his way off, or from, or out of the said Pier, without paying such lawful Toll, or who shall assault or in any way obstruct any Toll-keeper or any of his Assistants in the execution of their duty under this Act, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to Rupees 500, or with both.

6. Any person who shall unlawfully and maliciously damage
for wilfully the said Pier, or any of its appurtenances, fixed or moveable, shall be punishable under
Pier. Section 426 or 427 of the Indian Penal Code, according to the amount of loss or damage caused by such mischief; that is, with imprisonment of either description for a term which may extend to three months, if the damage caused be not above the amount of fifty Rupees, or to two years, if the damage be of greater amount than fifty Rupees, or with fine, or with both.

7. Any person who shall unlawfully and maliciously cut,
Penalty for cutting adrift, &c., any boat &c., made fast to Pier. sever or unfasten, or who shall otherwise injure any rope, chain, or other fastening by which any boat, barge, or raft shall be

made fast to the said Pier, or to any Buoy near the same, or who shall cut or send adrift any Buoy that shall be laid down near the said Pier, shall be punishable under Section 426 or 427 of the Indian Penal Code, according to the amount of loss or damage caused by such mischief; that is, with imprisonment of either description for a term which may extend to three months, if the damage caused be not above the amount of fifty Rupees, or to two years, if the damage be of greater amount than fifty Rupees, or with fine or with both.

8. It shall be lawful for the said Toll-keeper, or any of his Assistants, to detain any merchandize, baggage or other articles, landed at or to be shipped from the Pier, until the lawful Tolls are paid; and in the event of such payment being refused or withheld or delayed for the space of one week, if the owner or consignee of such goods be in Madras, (or otherwise for the space of one calendar month) it shall be lawful for Government to sell or cause to be sold by public auction the said merchandize, baggage or other articles, and after paying all expenses attendant on such seizure, detention and sale, to hold the proceeds, (minus double the dues by way of a fine), at the disposal of the owner or consignee of the goods.

9. If any ship or vessel shall foul the Pier and thereby occasion damage thereto, the amount of such damage shall be ascertained forthwith, or as soon as conveniently may be, and upon the amount of such damage being proved before a Magistrate to his satisfaction, it shall be lawful for such Magistrate to make an order upon the Master or Owners of such ship or vessel for the payment of such amount, and if the same be not paid within 24 hours after demand upon, or notice of such order to the Owners or Agents, or to the Master or other officer of such ship or vessel, (or forthwith if the Magistrate shall so order), it shall be lawful for the Conservator of the Port of Madras to levy the amount thereof by distraining in manner hereinafter provided, or if necessary, by seizure and sale of such vessel.

10. If any vessel, or the Master or Owners of any vessel,

shall become liable under the provisions of this Act to pay any sum of money either by way of fine or penalty, or for the purpose of, making good any damage, and the same shall not be paid within 24 hours after demand, or after notice of such liability, (or forthwith if the Magistrate, before whom the complaint for the recovery of such fine, penalty or amount of damage shall be made, shall so order,) then and in every such case it shall be lawful for the Conservator of the Port of Madras to distrain or cause to be distrained any goods or merchandize, to whomsoever the same may belong, on board such vessel, and any tackle, apparel or furniture belonging to such vessel, and to remove the same to some convenient place, leaving on board such vessel notice in writing of such distress, and of the cause thereof, and of the place of removal, and if such sum of money, together with the cost of such distress and removal, be not paid within three days after the seizure, exclusive of the day of seizure, the said Conservator may cause the goods, merchandize, tackle, apparel and furniture so seized to be sold, and out of the proceeds of such sale shall pay to Government the said sum which the said vessel or the Owners thereof were liable to pay under the provisions of this Act, together with the reasonable costs of such seizure, detention and sale, rendering to the Owner or Agent or Master, or other person having the command of such vessel, the overplus, if any, on demand.

11. It shall be lawful for Government to lay rails or Tramways across the Beach road between the Pier and the Custom House, and to erect railings on each side of such Tramway, with gates to be closed for the protection of the public when Vans are proceeding along such Tramways.

12. Any person who shall force his way through any of such gates, when so closed as aforesaid, shall be deemed to have committed the offence of Criminal trespass, and shall be punishable under Section 447 of the Indian Penal Code; viz., with imprisonment of either description for a term which may extend to 3 months or with fine which may extend to Rupees 500, or with both.

13. It shall be lawful for any Police Officer or Constable, or

Police may remove all obstructions, &c., in or near approaches to Pier.

officer acting under the provisions of this Act, to remove summarily all obstructions, in or near the approaches to the Pier.

14. It shall be lawful for the Governor of Madras in Council to pass bye-laws, which shall be

Governor in Council may pass bye-laws on any of following matters.

Penalty for breach of such bye-laws.

published in the Government Gazette, for the enforcement of any of the following matters, and any person infringing the same shall, on conviction by a Magistrate, be

liable to a penalty not exceeding 25 Rupees, and in default of payment to imprisonment for a period not exceeding one calendar month.

1st.—For regulating the approach of Boats, Barges and Rafts to the Pier, and for loading and unloading the same.

2nd.—For preventing damage to the Pier by boats lying

3rd.—For regulating the admission of Coolies to the Pier.

4th.—For the prevention of accidents from fires and lights on the Pier.

5th.—For regulating the Traffic along the Pier.

6th.—For fixing the hours at which the Pier shall be open to the public, whether for goods or for passengers.

7th.—For all other purposes not inconsistent with the provisions of this Act.

15. All offences against the provisions of this Act shall be cognizable by any Magistrate of Police for the Town of Madras.

Cognizance of offences.

16. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Interpretation clause.

Words importing the masculine gender shall include females. The word Toll-keeper shall include the Assistants of the Toll-keeper.

Date of operation of Act.

17. This Act shall take effect from the 1st day of September 1863.

Short Title.

18. This Act may be cited for poses as the Madras Pier Act, 1863.

ACT No. VI OF 1863.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN

(Received the assent of the Governor on the 8th May 1863, and of the Governor General on 9th June 1863.)

An Act to provide for the maintenance of certain schools in the Delta Taluqs of the Godavery District, under the Presidency of Fort Saint George, and to enable the inhabitants of any town, village, or place in any District under the said Presidency, to assess themselves for the establishment and maintenance of schools.

WHEREAS, in certain towns and villages, situated in the Delta Taluqs of the Godavery District under the
Preamble. Presidency of Fort Saint George, schools

for elementary instruction have been established and maintained by a rate imposed by the Revenue Authorities, with the consent of the principal inhabitants of such towns and villages; and whereas there are no legal means of enforcing such rate, and it is expedient that provision should be made for the permanence of the said schools in those places in which the inhabitants desire to maintain them, and to enable the inhabitants of such towns, villages or places, to assess themselves for the purpose; and whereas it is expedient that in other towns, villages, and places in the said Godavery District, as well as in the other Districts subject to the Presidency of Fort Saint George, the inhabitants should be enabled to assess themselves for educational purposes; It is hereby enacted as follows:—

1. On the passing of this Act, the Collector of the Godavery District shall give notice, in the District Gazette, to the inhabitants of the towns and villages in which any school or schools supported by a rate or subscription may then be in operation, that if the inhabitants of any such town or village desire to discontinue the school or schools, now maintained, they are at liberty to notify the same

inhabitants that schools will be discontinued on an application to that effect.

to the Collector, whereupon the Governor in Council will determine whether the collection of the rate or subscription shall be discontinued, and the school or schools closed ; but that, if no such application be made within two months from the date of the publication of the Collector's notice in the District Gazette, it will be understood that the inhabitants are willing to pay a rate for the maintenance of such school or schools.

2. In the event of no such application being made by the inhabitants of a town or village for the discontinuance of such school or schools, or of an application to that effect being made by a minority only, it shall be lawful for the Governor in Council to declare, by notification in the Fort Saint George and District Gazettes, that this Act is in force in that place for the term of five years, and thereupon the Inspector of Schools for the Division, and the Deputy Inspector for the District, and such resident householders of the said town, village or place, as the Collector of the District, in consultation with the inhabitants, may select, shall be appointed School Commissioners, for the purpose of assessing and collecting the rate, and managing the affairs of the school or schools, supported by it.

3. The Commissioners so appointed shall have the power to make rules for the more effectual carrying out of the purposes for which they are appointed, subject to the approval of the Governor in Council as regards all rules made under Clause (a) of Section 4, and of the Director of Public Instruction as regards all other rules ; and such rules, when approved as aforesaid, and until they are rescinded, or amended, as hereinafter provided, shall be of the same force within the said town, village, or place, as if they were inserted in this Act.

4. The rules to be prepared by the Commissioners shall provide, among other things, for—

(a.) The levy of taxes, or duties, in the town, village, or place, for the purposes of this Act, the rate or amount of such taxes, or duties, the parties on whom they shall be levied, the

mode of collecting the same, and of ensuring the safety and due application of the money collected.

(b.) The appointment, remuneration, control and dismissal of teachers, and of all other persons to be employed by the Commissioners under this Act.

(c.) The branches of learning to be taught, and the rules of discipline to be enforced in the schools under the Commissioners' control.

5. The said rules may, from time to time, be amended or rescinded by the Commissioners: Provided
Amendment and rescission of rules. that no such amendment, or rescission, shall take effect until approved by the authority by whom such rules were originally sanctioned.

6. The Commissioners for the time being shall have full
Powers of School Commissioners. power, subject to the rules so laid down, to hold lands, houses, and other property, and to expend and apply monies collected by them under this Act, in the establishment and maintenance of a school or schools, and the payment of teachers and other necessary servants, and to enter into all necessary contracts, and to bring, and defend, and compromise all suits, actions, and other legal proceedings, and to do all other things which may be necessary for the effectual carrying out of the purposes for which they are appointed.

7. No Commissioner shall be personally liable for any
Personal liability of Commissioners. contract made by the Commissioners under this Act; but every Commissioner shall be liable for any misapplication of the monies collected to which he shall have been knowingly a party, or privy, or which shall have happened through his gross neglect of duty, and shall be liable to be sued for the same, as for money due to, and at the suit of, Her Majesty's Indian Government.

8. The Commissioners shall prepare a book, containing the
Book to be pre- names and residences of all persons upon whom a rate is to be imposed; the amount of the rate assessed upon each; the assumed value of the property, or other subject matter, upon which the

assessment is calculated ; and the date at which it will become payable—and such book shall be termed the Rate Book.

9. When the Rate Book shall be completed, the Commissioners shall give public notice thereof, and of the place where such book, or a copy thereof, can be inspected ; and every person who is assessed, or his Agent, shall be authorized to inspect the Rate Book without charge, and to make extracts therefrom,

10. The Commissioners shall give public notice of a day, not being less than 15 days from the publication of such notice, when they will proceed to revise the said Rate Book. All complaints against the assessment, shall be made on or before the day fixed in the notice ; and all complaints so made shall be enquired into by the Commissioners, and such amendments shall thereupon be made, in the said book, as to the Commissioners shall appear fit.

11. After the complaints have been enquired into, and the revision of the Rate Book has been completed, the amendments made in the said book shall be authenticated under the signatures of two of the Commissioners, who shall, at the same time, certify, under their signatures, that no valid objection has been made to any entry in the said book, except in the cases in which amendments have been made, as shown therein. The rates so amended and certified shall be deemed to be the rates leviable under this Act, until altered in the manner provided in the following Section.

12. The Commissioners may, at any time, amend the Rate Book, by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rate ; or by striking out the name of any person or property not liable to the rate ; or by reducing the amount of the rate. In all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the when the person interested first received notice thereof.

13. When any rate is due, the Commissioners shall cause to be presented to the person liable to the Demand of rate. payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property, for which the rate is charged.

14. If the bill be not paid by the person liable to pay the same within five days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect ; and if he shall not, within five days from the service of such notice of demand, pay the sum due, or show sufficient cause for the non-payment of the same to the satisfaction of the Commissioners, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, wherever they may be found ; or if the defaulter be the occupier of any house, building, or land, in respect of which the rate is due, by distress and sale of any goods and chattels found on the premises, under a Warrant in the form (B) in the Schedule, or to the like effect.

15. If the sum due on account of any rate from the owner of any house, building, or land, remain unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier, for the time being, of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises ; and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from him : Provided that no arrear of rate, which has remained due from the owner of any house, building, or land, for more than one year, shall be so recovered from the occupier thereof.

16. The Officer charged with the execution of distress shall make an inventory of the goods and chattels seized under the Warrant, and shall at the same time, give a

Distraining Officer to make inventory and give notice in writing.

Rate may be levied from the occupier.

Who may reimburse himself.

writing, in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure.

17. If the Warrant be not, in the meantime, discharged, or suspended by the Commissioners, the
Sale of goods distrained. goods and chattels so seized shall be sold by order of the Commissioners, who shall thereupon apply the proceeds, or so much thereof as may be necessary, in discharge of the said arrears and costs ; and the surplus, if any, shall be returned to the person in possession of the goods and chattels at the time of seizure.

18. Every bill, notice, or demand, under this Act, may
Mode of service of bills, notices, or demands. be served personally upon the person to whom it is addressed, or be left at his usual place of abode with some adult male member or servant of his family ; or if it cannot be so served, may be put up on some conspicuous part of such place of abode : Provided that if the place of abode of the owner of any house, building or land, in respect of which a rate is assessed, be unknown, or if such owner be not resident within the limits over which the Commissioners have jurisdiction, every such bill, notice, or demand, shall be deemed to have been duly served, if served upon the actual occupier of the premises, or if put up on some conspicuous part of the house, building, or land, in case no such service can be effected.

19. No proceeding under this Act shall be deemed unlawful, nor shall any assessment be set
No objections to be taken for formal defects. aside, on account of any defect, or want of form, in any document, or in any service of notice required by this Act, nor on account of any irregularity, in the procedure herein laid down ; but all persons substantially aggrieved by any such defect or irregularity, may recover satisfaction for the special damage in any Court of competent jurisdiction.

20. All Commissioners acting in execution of this Act shall,
Commissioners to make up annual accounts. on the 15th day in May in every year, make up and send to the Director of Public Instruction, or to any Officer named by him, an account of all sums received and spent by them in the foregoing official

year, in such form and with such vouchers as the Director of Public Instruction shall, from time to time, direct.

21. If, on the expiration of the term of five years for which the Act may have been declared in force in any town, village, or place, a majority of the inhabitants assessed under the provisions of this Act shall not, within two months, apply to the Collector for the discontinuance of the school or schools, for the support of which they may have been so assessed, the Act shall be deemed to be in force in such town, village, or place for a further period of five years. A similar rule shall be thereafter observed on the expiration of each recurring period of five years.

22. The inhabitants of any town, village, or place, in any District subject to the Presidency of Fort Saint George, who may be desirous of having this Act enforced, may apply to the Collector of the District, specifying the nature of the school or schools required, and praying for an order that this Act shall be put in force in such town, village, or place.

23. Whenever such an application shall be made to the Collector of any such District, notice thereof shall be given by advertisement in the District Gazette, and also by proclamation in such town, village or place, setting forth the purport and effect of the application, and allowing such reasonable time as may be fixed by the Collector to enable the inhabitants of the town, village, or place, to forward petitions to the Collector, for or against the enforcement of the Act therein.

24. The Collector shall duly consider all such petitions, and, on the expiration of the time allowed for receiving the same, shall forward them with a report to the Chief Secretary to Government, and thereupon the Governor in Council shall make an order reciting that the application appears, or does not appear, as the case may be, to be approved by a sufficient major-

ity of the inhabitants, either as regards the whole, or only part of such application ; and if the application shall appear to be approved, either wholly or in part, the order declaring this Act to be in force in such town, village or place, for such purposes and to such extent, as shall appear to the Governor in Council to be approved by the inhabitants, shall be published in the Fort Saint George and District Gazettes, and shall also be notified by public proclamation within such town, village or place.

25. Whenever such order shall be made and published as aforesaid, this Act shall come into force in the said town, village or place, from the date of the publication of such order in the District Gazette ; and the publication of the said order shall be conclusive evidence, that the provisions hereinbefore contained have been complied with, and that the Act is thenceforth in force for the purposes mentioned in the order.

26. The Collector shall thereupon appoint the Inspector of Schools, and the Deputy Inspector of Schools, for the District in which the town, village, or place, may be situated, and such resident householders as, in consultation with the inhabitants, he may select, to be School Commissioners for the purpose of administering this Act, and the said School Commissioners shall have the powers, functions, immunities and liabilities hereinbefore described.

27. The Governor in Council may, at any time, suspend the operation of this Act, in any town, village, or place, and appoint any person, or persons, to examine and report upon the behaviour of the Commissioners or any of them, or of their servants, in the execution of this Act.

28. This Act shall come into force on the first day of September 1863.

29. This Act may be shortly cited as the Madras Education Act.

SCHEDULE.

A.

Notice of Demand.

Take notice that the School Commissioners of demand from you the sum of due from* (you) as owner (or occupier) of (here describe the property or thing upon which the rate or tax is imposed) on account of school rate for the months of 186 ; and that, if the sum due is not paid, or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within five days from the service of this notice, a Warrant of distress will be issued for the recovery of the same with costs.

(Signature of one of the Commissioners.)

Date.

Distress Warrant.

To (here insert the name of the Officer charged with the execution of the Warrant.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of due for the school rates (or taxes) (or rates and taxes) mentioned in the margin, for the months of 186 , although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand. This is to command you to distrain the goods and chattels of the said

(or, as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of , and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such

*In the case of a demand under Section 15, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of _____ and the charges of taking, keeping and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said _____ you are to certify the same to us together with this Warrant.

(Signature of one of the Commissioners.)

C.

Form of Inventory and Notice.

State particulars of goods seized.

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of

_____ due for the rates (or taxes) mentioned in the margin, for the months of _____ 186 _____ ;

and that unless you pay the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Officer executing the Warrant of distress.)
Date.

ACT No. I. OF 1864.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL

(Received the assent of the Governor on the 14th April 1864, and of the Governor-General on the 14th May 1864.)

An Act to repeal (Madras) Act No. II of 1863, and to provide for the extension of certain provisions of Act XXII of 1855, to all Ports for the landing and shipment of merchandize within the Madras Presidency.

WHEREAS in Section 2, (Madras) Act II of 1863, reference is

made to Section 24, Act VI of 1844, and whereas the said Section

Preamble. of the last-mentioned Act had been repealed
by Act VI of 1863 (*the Consolidated Customs*

Act) before the Madras Act above referred to received the assent
of the Viceroy and Governor-General ; It is enacted as follows :—

Madras Act No. II. of 1863, repealed. 1. Act No. II of 1863 (Madras) is
hereby repealed.

2. The Government of Fort Saint George may, by public
notification, declare that the provisions of
Sections 14, 16, 22, and 24, of Act XXII of
1855, shall be applicable to any Port which
has been, or which may hereafter be, declar-
ed by the Governor in Council of Fort Saint
George, under any law in force for the time being, to be a Port
for the landing and shipment of merchandize.

3. In any of the said Ports, the consent referred to in Sec-
tion 24 of Act XXII of 1855, may be given
by the principal Officer of Customs at such
Port, or by any other Officer in that behalf
appointed by Government.

4. All Notifications and Orders of the Government of Fort
Saint George, made in pursuance of this
Act, shall be published in the manner
prescribed in Section 8, of Act XXII of 1855.

5. This Act shall be read as part of
Act XXII of 1855.

6. This Act shall come into operation
on the 1st August 1864.

ACT No. II OF 1864.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 5th May 1864, and of the Governor-General on the 20th June 1864.)

An Act to consolidate the Laws for the recovery of Arrears of Revenue in the Madras Presidency.

WHEREAS it is advisable that the laws relating to the collection of the public revenue should be consolidated and simplified ; It is hereby enacted as follows :—

Preamble.

Interpretation Clause.
Landholder.

1. The term “landholder” as used in this Act, shall be taken to comprise the following persons :—

All persons holding under a Sunnud-i-Milkeut Istimrar, all other Zemindars, Shrotriendars, Jaghiredars, Inamdars, and all persons farming the Land Revenue under Government. All holders of land under Ryotwar settlements, or in any way subject to the payment of revenue direct to Government.

Public Revenue due on land shall, for the purposes of this Act, be taken to include cesses or other dues payable to Government on account of water supplied for irrigation.

Public Revenue.

2. The land, the buildings upon it, and its products, shall be regarded as the security of the public revenue.

Land, the security for the revenue.

3. Every landholder shall pay to the Collector, or other Officer empowered by him to receive it, the revenue due upon his land on or before the day on which it falls due, according to the Kistbundy or other engagement, and where no particular day is fixed, then within the time when the payment falls due according to local usage : Provided that, except where property is held under a Sunnud-i-Milkeut Istimrar or other similar instrument, it shall be lawful for the Board of Revenue, by Notification published in

Landholder when and to whom to pay his kist.

Board of Revenue may alter amounts and dates of payment.

the District Gazette, to alter and fix, from time to time, the amount of the several kists or instalments, and the dates at which they shall respectively become payable.

4. When the whole or a portion of a kist shall not be so paid, the amount of the kist or of its unpaid portion shall be deemed to be an arrear of revenue.

5. Whenever revenue may be in arrear, it shall be lawful for the Collector, or other Officer empowered by the Collector in that behalf, to proceed to recover the arrear, together with interest and costs of process, by the sale of the defaulter's movable and immovable property, or by execution against the person of the defaulter in manner hereinafter provided.

6. If the defaulter hold under a Sunnud-i-Milkeut Istimrar or other similar instrument, the mode of recovering the arrear shall be in accordance with the terms of such Sunnud. In the case of other defaulters, the Collector, or other Officer empowered by the Collector in that behalf, may, at his discretion, proceed to realize the arrear by the sale of either the movable or immovable property of the defaulter, or of both.

7. Arrears of revenue shall bear interest at the rate of 6 per cent. per annum.

8. In the seizure and sale of movable property for arrears of revenue, the following rules shall be observed :—

First. The Collector, or other Officer empowered by the Collector in that behalf, shall furnish to the person employed to distrain the property of a defaulter, a demand in writing and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due. The person employed to distrain shall produce the writing which, if the arrear together with the batta due to him, under Section 53, be not at once paid, shall be his authority for making the distress, and on the day on which the

property may be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained, and the name of the place where it may be lodged or kept.

Second. The writing shall further set forth that the distrained property will be immediately brought to public sale, unless the amount, with interest, batta, and all the expenses of the distress, be previously discharged.

Third. When a defaulter may be absent, a copy of the writing, with the endorsement, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained, before the expiration of the third day, calculating from the day of the distress.

9. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been entered into to the satisfaction of the Collector or other Officer empowered by the Collector in that behalf, the distrainer shall transmit an inventory of the property distrained to the nearest Public Officer empowered to sell distrained property under Act VII of 1839, in order that it may be publicly sold for the discharge of the arrear due, with interest, batta, and cost of distraint.

10. Where a defaulter may tender payment of the arrear demanded after his property may have been distrained, and prior to the day fixed for sale, together with payment of interest, batta, and all necessary expenses attending distress, the distrainer shall receive the amount immediately upon the same being tendered, and shall forthwith release the property.

11. The distrainer attaching the crops or ungathered products of the land belonging to a defaulter, may cause them to be sold when fit for reaping or gathering, or, at his option, may cause them to be reaped or gathered in due season, and stored in

proper places until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold. When

crops or products belonging to a tenant shall have been sold, it shall be lawful for such tenant to deduct the value of the crops or products so sold from any rent which may be due by him, then or afterwards, to the defaulter, in respect of the land on which such crops or products have been grown. It shall also be lawful for a tenant whose crops are attached for an arrear of revenue to pay the arrear and deduct the amount in the afore-said manner from any rent due by him, then or afterwards.

12. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained ; he shall provide the necessary food for the cattle or live stock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

13. Where property distrained may be stolen, or lost, or damaged by reason of the necessary precautions for its due preservation not having been taken, or from its having been improperly worked or made use of, the amount of such loss or damage shall be recoverable by summary process by the Collector from the Officer whose neglect or act occasioned the loss or damage, and the amount when recovered shall be paid to the person damnified.

14. The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the amount of the arrears.

15. Distress shall be made after sunrise and before sunset, and not otherwise.

16. Where a defaulter may make a fraudulent conveyance of property to prevent the distress of arrears, any Civil Court of competent jurisdiction, upon proof thereof, shall summarily

cause the property to be delivered up to the distrainer. The defaulter will further be liable to the penalties prescribed by Section 424 of the Indian Penal Code.

17. Where any person, not being a defaulter or responsible for a defaulter, may claim a right to the property distrained, and the distrainer may, notwithstanding, cause the same to be sold, such claimant, on proof of such right in any Civil Court of competent jurisdiction, and in the event of the distrainer being unable to prove the responsibility for the arrear of revenue, on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with interest, costs, and damages, according to the circumstances of the case.

to be the But claims to crops upon the ground, or to gathered products of the ground attached, in the possession of the defaulter, whether founded upon a previous sale, mortgage, or otherwise, shall not bar the prior claim of revenue due from the ground upon which such crop or product may have been grown.

18. Where it may be proved to the satisfaction of any Civil Court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the Court may summarily cause such property to be restored to the distrainer. The offender will further be liable to the penalties prescribed by the Indian Penal Code.

Penalty for forcibly or clandestinely taking away distrained property.

19. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out-house, or other building, and he may also enter any dwelling house the outer door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein; provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling house appropriated for the zenana or residence of women, except as hereinafter provided.

20. Where a distrainer may have reason to suppose that the

property of a defaulter is lodged within a dwelling house, the
outer door of which may be shut, or with-
in any apartments appropriated to women,

presence of a Police Of-
ficer.

which, by the usage of the country, are
considered private, such distrainer shall
represent the same to the Officer in charge of the nearest Police
station. On such representation, the Officer in charge of the
said station shall send a Police Officer to the spot, in the presence
of whom the distrainer may force open the outer door of such
dwelling house, in like manner as he may break open the door
of any room within the house, except the zenana. The distrainer
may also, in the presence of the Police Officer, after due notice
given for the removal of women within a zenana, and after
furnishing means for their removal in a suitable manner (if they
be women of rank, who, according to the customs of the country,
cannot appear in public), enter the zenana apartments for the
purpose of distraining the defaulter's property deposited therein,
but such property, if found, shall be immediately removed from
such apartments, after which they shall be left free to the former
occupants.

21. Persons entering the apartments of women, or forcing
open the outer door of dwelling houses,
contrary to the provisions of this Act, shall,
on conviction before a Magistrate, be liable
to a fine not exceeding Rupees 500, or to imprisonment of either
description for any period not exceeding six months.

22. The public Officer, empowered under Act VII of 1839 to
sell distrained property, shall cause to be
Proclamation to be
made of the time of sale,
and of the property to be
sold.
affixed to the outer door of the defaulter's
house, or on the premises where the property
may have been distrained, a list of the
property to be sold, with a notice specifying the place where, and
the day and hour at which the distrained property will be sold,
and shall cause proclamation of the intended sale to be made by
beat of drum in the village to which the lands on which the
arrear has accrued may belong, and in such place or places
as the Collector, or other Officer empowered by the Collector in
that behalf, may consider necessary to give due publicity to the

sale. No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice may be so affixed.

23. At the appointed time, the property shall be put up in one or more lots, as the said Officer may consider advisable, and shall be disposed of to the highest bidder. Where the property may sell for more than the amount of the arrear, the overplus, after deducting expenses of process and interest, shall be paid to the defaulter.

24. The property shall be paid for in ready money at the time of sale, or as soon after as the Officer holding the sale shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full. Where the purchaser may fail in the payment of the purchase money, the property shall be re-sold, and the defaulting purchaser shall be liable for any loss arising, as well as the expenses incurred on the re-sale. Where the property may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

25. Before a Collector, or other Officer empowered by the Collector in that behalf, proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter, specifying the amount due, the estate or land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who shall serve the demand, and the time allowed for payment, which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid. Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorized Agent, or by affixing a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the land about to be attached.

26. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrange-

entered into to the satisfaction of the Collector, or other Officer empowered by the Collector in that behalf, he shall proceed to recover the arrear by the attachment and sale of the defaulter's land in the following manner.

27. The attachment shall be effected by affixing a notice thereof to some conspicuous part of the land.

Mode of attachment.

The notice shall set forth that unless the arrear, with interest and expenses, be paid within the date therein mentioned, the land will be brought to sale in due course of law. The attachment shall be notified by public proclamation on the land, and by publication of the notice in the District Gazette.

28. It shall be lawful for the Collector, when attaching the

Appointment of Agent.

land of a defaulter, or at any time during such attachment, to assume the management of the property attached. In such case he shall appoint an Agent with a proper establishment of officers to manage the property, and shall give the Agent a certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property : provided always, that where the property may be

In certain cases Revenue officer to take charge.

too inconsiderable to admit of its being charged with the salary of an Agent, it shall be committed to the care of such Revenue officer as the Collector may select, who shall be subject to all the provisions herein contained in reference to Agents.

29. Notice of the assumption of management shall forth-

Notice of assumption of management.

with be served on the defaulter in the manner described in Section 25, and shall be notified by public proclamation on the land, and by publication in the District Gazette.

30. It shall be the duty of the Agent, during the continu-

Duties of Agent.

ance of management under Section 28, to collect the rents and profits due, or accruing due upon the estate, according to the engagements subsisting between the defaulter and the parties holding under him,

or according to established usage where no specific engagements exist. The Agent shall keep accounts of all his receipts and disbursements, and submit the same, and pay over the balance, to the Collector, or other officer empowered by the Collector in that behalf, monthly, or whenever required, and the defaulter shall be at liberty to inspect the accounts at all reasonable times, and to take copies of the same at his own expense without fee.

31. It shall be lawful for the defaulter to proceed by prosecution or suit against the Agent, in respect of any criminal or illegal act done by him to the injury of the defaulter or his estate, and all tenants, or other persons holding by subordinate title, shall have the same remedies against him as they would have had against the defaulter if the act were done by the defaulter.

32. All engagements entered into between the landholder and his tenants, except such as are hereinafter mentioned, shall be binding upon the Collector, during attachment, but all such engagements made collusively with a view to defeat or delay the effect of the attachment, and all leases of land at a rate lower than the usual rates of assessment, and not made *bond fide* for the purpose of erecting factories or buildings, or of bringing waste land into cultivation, and all engagements made subsequently to attachment, shall be null and void against the Collector, if he shall so declare ; subject, however, to the right of the parties to such agreement to bring a suit against the Collector in the ordinary tribunals to establish the same ; and all charges or incumbrances upon such land shall be postponed to the payment of the public revenue.

33. All payments on account of rent or profits actually due, made before public notice of assumption of management to or on behalf of any landholder by any person holding under him, shall be valid against the Collector, and all such payments made after public notice of such assumption, or made before they were actually due, shall be null and void against the Collector, who shall be entitled to recover, as arrears of rent, the full amount from the parties by whom it was paid, leaving them to sue the defaulter in the ordinary Courts of Law.

34. All sums received from the property attached, after paying the expenses of attachment and management, shall be carried to the credit of the defaulter in discharge of the arrears due, and interest thereon at the rate of six per cent. per annum, and as soon as all arrears, interest, costs of attachment, and expense of management shall have been liquidated, the attachment shall be withdrawn, and a full account rendered of all receipts and disbursements during its continuance.

35. It shall be lawful for any person claiming an interest in land which has been, or is about to be attached, to obtain its release by paying the arrears, interest, and costs incurred ; and all such sums, if paid by a tenant, may be deducted from any rent then or afterwards due by him to the defaulter ; and if paid by a *bonâ fide* mortgagee or other incumbrancer upon the estate, shall constitute a debt from the defaulter to him, and shall be a charge upon the land, but shall only take priority over other charges according to the date at which the payment was made.

Rules to be observed in the sale of immovable property.

36. In the sale of immovable property under this Act, the following rules shall be observed : —

First.—The sale shall be by public auction to the highest bidder. The time and place of sale shall be fixed by the Collector of the District in which the property is situated, or other Officer empowered by the Collector in that behalf. The time may be either previous to or after the expiration of the Fasli year.

Second.—Previous to the sale the Collector, or other Officer empowered by the Collector in that behalf, shall issue a notice thereof in *English* and in the language of the District, specifying the name of the defaulter ; the position and extent of land and of his buildings thereon ; the amount of revenue assessed on the land, or upon its different sections ; the proportion of the public revenue due during the remainder of the current Fasli ; and the time, place, and conditions of sale. This notice shall be fixed up one month at least before the sale in the Collector's

Office and in the Taluq Cutcherry, in the nearest Police Station-house, and on some conspicuous part of the land.

Third.—A sum of money equal to fifteen per cent. of the price of the lands shall be deposited by the purchaser in the hands of the Collector, or other Officer empowered by the Collector in that behalf, at the time of the purchase, and where the remainder of the purchase-money may not be paid within thirty days, the money so deposited shall be liable to forfeiture.

Fourth.—Where the purchaser may refuse or omit to deposit the said sum of money, or to complete the payment of the remaining purchase-money, the property shall be re-sold at the expense and hazard of such purchaser, and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the lands may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

—All persons bidding at a sale may be required to state whether they are bidding on their own behalf or as Agents, and, in the latter case, to deposit a written authority signed by their principals. If such requisition be not complied with, their bids may be rejected.

37. It shall be competent to the defaulter or to any person acting on his behalf, or claiming an interest in the land, to tender the full amount of the arrears of revenue with the interest thereon, and all charges which have been incurred in demanding the arrears, or in attaching or managing the estate, or in taking the steps necessary for sale, and thereupon the sale shall be stayed; provided always that such tender must be made before sunset on the day previous to that appointed for the sale, and all sums so paid by any tenant, or *bonâ fide* mortgagee, or other incumbrancer, may be recovered in the manner provided

Section 35.

38. Lands purchased at a public sale shall be registered in the name of the actual purchaser, who shall receive a certificate of sale signed and sealed by the Collector, which shall be conclusive evidence of the fact of the purchase in all Courts and tribunals where it may be material to establish the same, and no proof of the Collector's seal or signature shall be necessary, unless the authority before whom it is produced shall have reason to doubt its genuineness.

Effects of certificate.

39. When lands may be purchased at public sale the Collector, or other Officer empowered by the Collector in that behalf, shall publish in the villages in which the land sold may be situated, in the Cutcherry of the Taluk, in the head Cutcherry of the District, and in the District Gazette, the name of the purchaser and the date of purchase, together with a declaration of the lawful succession of such purchaser to all the rights and property of the former landholder in the said lands.

Proclamation of sale.

40. Where, notwithstanding such publication, any lawful purchaser of land may be resisted and prevented from obtaining possession of his purchased land, any Court of competent jurisdiction, on application and production of certificate of sale provided for by Section 38, shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the purchased lands had been decreed to the purchaser by a decision of the Court.

Delivery of possession.

41. All contracts entered into by the defaulter with his tenants, and all payments to him by them shall be binding upon the purchaser to the same extent and under the same conditions as laid down in Sections 32 and 33 of this Act.

payments to tenants,
how far binding on the
purchaser.

42. All lands brought to sale on account of arrears of revenue shall be sold free of all incumbrances, and if any balance shall remain after liquidating the arrears with interest, and the expenses

Sale to be free of all
incumbrances.

Disposal of surplus. of attachment and sale, and other costs due in respect of such arrears, it shall be paid over to the defaulter, unless such payment be prohibited by the injunction of a Court of competent jurisdiction.

43. Arrears of rent which on the day of sale may be due to the defaulter from his under-tenants shall, in the event of the sale, be recoverable by him after the sale by any process, except distraint, which might have been used by him for that purpose before the said sale.

due to under-tenants on the day of sale, how to be recovered.

44. It shall be lawful for the Collector, or other Officer empowered by the Collector in that behalf, to sell the whole or any portion of the land of a defaulter in discharge of arrear of revenue : provided always that, so far as may be practicable, no larger section in the land shall be sold than may be sufficient to discharge the arrears with interest, and expenses of attachment, management, and sale.

Sale of land.

45. Where only a part of a landed estate held under a Sunnud-i-Milkut Istimrar, or otherwise subject to the payment of a lump assessment, may be sold, the assessment upon such part shall be apportioned by the Collector previous to sale in manner following :—

The amount of revenue to be assessed on each division shall bear the same proportion to the actual value of such division as the total amount of the revenue of the whole estate may bear to the total actual value of the entire estate previous to such division.

To this end the Collector shall have power to demand from landholders and from the Curnums of villages accounts of the produce and of the charges attending the management of lands to be divided ; such landholders and Curnums shall furnish the said accounts when required for a period of not less than three years next preceding the then current year ; where the landholder may refuse, or unreasonably delay to comply with such demand so as to prevent the assessment being fixed on such divided portions of land, the Collector shall proceed to sell the entire estate.

Production of accounts.

Effect of their non-production.

46. The amount of the permanent land revenue to be assessed by the Collector on portions of a divided estate held under a Sunnud-i-Milkut Istim-rar, or otherwise subject to the payment of a lump assessment, shall not be valid until such amount may have been confirmed by the authority of the Board of Revenue signified in writing.

47. When a defaulter tenders security, it shall be lawful for the Collector, or other Officer empowered by the Collector in that behalf, to accept it and postpone the sale of the defaulter's property upon such conditions and until such time as he may appoint; in the event of default being made in the performance of such conditions, the Collector or such Officer may sell the property and proceed against the defaulter or against his security, or both.

48. When arrears of revenue, with interest and other charges as aforesaid, cannot be liquidated by the sale of the property of the defaulter, or of his surety, and the Collector shall have reason to believe that the defaulter or his surety is wilfully withholding payment of the arrears, or has been guilty of fraudulent conduct in

order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter, or his surety, not being a female, as hereinafter mentioned;

but no persons shall be imprisoned on account of an arrear of revenue for a longer period than two years, or for a longer period than six months, if the arrear does not exceed Rupees 500, or

for a longer period than three months, if the arrear does not exceed Rupees 50; provided that such imprisonment shall not extinguish the debt due to Government by the defaulter, or his surety.

49. The Collector shall issue his warrant for the arrest of the defaulter, or his surety, or both, not being females, which shall specify his or their name, the amount of revenue due, and the date on which it became payable, and the warrant shall be

Confirmation of Board necessary to make apportionment valid.

Powers of arrest in case of wilful or fraudulent non-payment of arrears.

Period of imprisonment.

Debt not extinguished.

Procedure in case of arrest.

signed and sealed by the authority by whom it was issued. The Officer charged with the execution of the warrant shall thereupon arrest the defaulter, or his surety, or both, and convey him or them to the District Gaol, and deliver the warrant to the Gaoler, which shall be a sufficient authority to him to receive the prisoner or prisoners. A copy of such warrant shall be retained by the Gaoler, who shall forthwith despatch the original to the Officer in charge of the Gaol.

50. All the remedies prescribed by this Act in case of revenue defaulters may be employed against their sureties, and it shall be lawful for the Collector, or other Officer empowered by the Collector in that behalf, to enforce the same simultaneously with, or either previously or subsequently to, their enforcement against the principal ; so, nevertheless, that no more than the total sum in arrears, and interest with costs and charges, shall be realized from both.

51. When land revenue is payable in kind, it shall be lawful for the Collector or other Officer empowered by the Collector in that behalf, to prevent the removal of the crop from the land until a division has been made, and the portion which belongs to Government has been set apart, unless the landholder furnishes such security as the Collector may deem satisfactory.

Removal of crops may be prevented where revenue is payable in kind.

52. All arrears of revenue other than Land Revenue due to Government, all advances made by Government for cultivation or other purposes connected with the revenue, and all fees or other dues payable by any person to or on behalf of the village servants employed in Revenue or Police duties, and all cesses lawfully imposed upon land, may be recovered in the same manner as arrears of Land Revenue under the provisions of this Act, unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.

Similar process in case of other species of revenue, advances, fees, and cesses.

53. Persons employed in serving notices, or in other process under this Act, shall be entitled to batta at such rates as may, from time to time, be fixed by the Board of Revenue with

Process-servers to be paid batta.

the sanction of Government, and published in the District Gazette.

54. The batta mentioned in the foregoing section, as well as interest, and all costs and charges incurred under the authority of this Act, shall be recoverable from the defaulter and his sureties in the same manner as arrears of revenue.

Interest and charges
recoverable as arrears.

55. Where property having been attached or distrained may be ordered to be put up for sale, and the sale may be countermanded, the proprietor shall, nevertheless, be responsible for the expenses incurred in consequence of the attachment or distraint, in the same manner as if the sale had taken place; and in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the process under which the original demand would have been recoverable.

Expense of counter-
manded sales to be sus-
tained by the defaulter.

And recovered as an
arrear.

56. Every person making a payment of revenue shall be entitled to a receipt for the same, signed by the Collector or other Officer empowered by the Collector in that behalf; such receipt shall state the name of the person making the payment and the subject-matter in respect of which it is paid, and in case of Land Revenue shall describe the land on which the assessment is due, and the names of the persons entered in respect thereof in the settlement account.

Receipts for payment
of revenue.

57. Where a defaulter or his surety may reside or hold property out of the District wherein default shall have been made, the Collector of the District in which such defaulter or surety resides or holds property shall, on the written application of the Collector in whose District such default has been made, proceed in all respects against the defaulter and his surety, and his or their property in the same manner as if the default had been made in his own District. Every such application shall be signed and sealed by the Collector making it, and shall be conclusive as to the amount due, and the party in arrear, in all proceed-

Procedure where de-
faulter or surety resides
out of District.

Effect of Collector's
application.

ings against the Collector acting upon such application, or any person acting under his authority ; and no proof of the seal, or signature or official character of the Collector making the application shall be required, unless the Court shall see reason to doubt its genuineness : provided always, that nothing herein contained shall affect the right of any party to sue in his own District the Collector who made the application.

- 58. No Court of Civil Judicature shall have authority to take into consideration or decide any question as to rate of Land Revenue payable to Government, or as to the amount of assessment fixed, or to be hereafter fixed on the portions of a divided estate.

Civil Court not to take cognizance of questions relating to rate of revenue.

59. Nothing contained in this Act shall be held to prevent parties deeming themselves aggrieved by any proceedings under this Act, except as hereinbefore provided, from applying to the Civil Courts for redress : provided that Civil Courts shall not take cognizance of any suit instituted by such parties for any such cause of action, unless such suit shall be instituted within six months from the time at which the cause of action arose.

Suits by persons aggrieved by proceedings under this Act.

Limitation of suits.

60. No suit brought against any Collector by any person deeming himself aggrieved by any thing done or purporting to be done under this Act, shall abate by reason of the departure from his District of the Collector against whom such suit shall have been brought ; but the suit shall be continued against the successor of such Collector in all respects as though it had been instituted against himself. A suit may be brought against any Collector in his official capacity on account of any thing done or purporting to have been done under this Act by his predecessor, subject to the limitation prescribed in the preceding Section : provided that no Collector shall be personally liable for any official act of his predecessor.

Suits against Collector to survive against his successor.

Or to be originally maintainable against him.

No personal liability for acts of predecessor.

Regulation V of 1822
not to apply to sales
under this Act.

61. Regulation V of 1822 shall not be applicable to sales of property under this Act.

Regulations XXVIII
of 1802, and I and II of
this Act.

62. Regulation XXVIII of 1802, and Regulations I and II of 1803, shall be inoperative as respects arrears of revenue recoverable under this Act.

Operation of Regula-
tion V of 1804, and X of
1831 preserved.

63. Nothing in this Act shall be held to bar the operation of the provisions of Regulation V of 1804 and of Regulation X of 1831, in respect to the sale of lands of minors and other disqualified landholders.

64. Nothing in this Act shall apply to the collection of Land Revenue within the limits of the Town of Madras, as defined by Section 12, Regulation II of 1802 of the Madras Code.

Scope of Act.

The following enactments are hereby repealed, except in so far as they rescind other Acts and of certain Regulations, or parts of Acts and Regulations, and except as to any proceedings or matters which shall have taken place before this Act comes into force :—

Regulation 26 of 1802.—All, except the Preamble, and Sections 2 and 3.

Regulation 27 of 1802.

Regulation 3 of 1830.

Regulation 6 of 1832.

Act XXXIX of 1858.

66. This Act shall take effect from such date as the Local Government shall fix by an order to be published in the Official Gazette.

Commencement of Act.

ACT No. III. OF 1864.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 2nd July 1864, and of the Governor-General on the 28th July 1864.)

An Act for amending the Abkary Laws of the Madras Presidency beyond the limits of the Madras Abkary, as prescribed by Act XIX of 1852.

Preamble. WHEREAS it is expedient to amend the laws which provide for the manufacture, sale, transit, and possession of liquor beyond the limits prescribed for the Madras Abkary by Act XIX of 1852; It is hereby enacted as follows :—

1. From and after the date on which this Act shall come into operation, Regulation I of 1820, of the Madras Code, and Act XXXII of 1845, shall be repealed, except in so far as they rescind any other Regulations or Acts, and except as to any act or offence, which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act came into operation, and all references which occur in any existing Law to the aforesaid Regulation or Act, shall be taken as being references to the corresponding provisions of this Act.

Interpretation clause. 2. In the construction of this Act, the following words shall have the several meanings hereby assigned to them.

Liquor. The term Liquor shall be taken as denoting spirits, wine, beer, and all other intoxicating liquors in the manufacture of which distillation or fermentation takes place.

Selling, sale. The terms selling and sale shall include bartering or receiving in pawn for liquor, grain, or any other articles.

Magistrate.

The term Magistrate shall include all persons exercising all or any of the powers of a Magistrate.

Singular and Plural.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Masculine and Feminine.

Words importing the masculine gender shall include the feminine.

3. All persons are hereby forbidden to manufacture, or to sell or to keep for the purpose of sale, any liquor of the description mentioned in Section II of

Manufacture and sale of liquor to be in conformity with this Act.

Madras Abkary as prescribed in Act XIX of 1852, except in conformity with the provisions of this Act.

4. The Board of Revenue shall authorize Collectors either to retain under their own immediate management, on account of Government, the exclusive privilege of manufacturing and selling all spirituous and fermented liquors within their respective Districts, or to assign the same wholly or partially, in all or any of the following ways, that is to say:—

Exclusive privilege of manufacture and sale may be retained by Government.

First.—It shall be lawful for the Collector, under the authority of the Board of Revenue, to assign for such period as he may think fit, to any person or persons, the exclusive privilege of manufacturing or of selling, or of both manufacturing and selling all spirituous and fermented liquors whatsoever, within the whole or any portion of his District, in consideration of a single payment, or of an annual rent.

Second.—It shall be lawful for the Collector, under the authority of the Board of Revenue, to assign to any person or persons the exclusive privilege of manufacturing or of selling, or of both manufacturing and selling, one or more specified spirituous or fermented liquors, and, at the same time, in consideration of annual or other payments, to issue licenses for such period as he may think fit, granting permission to the same person, or any other person or

Or exclusive privilege may be assigned as to some liquors, and license without exclusive right granted as to others.

persons, to manufacture only, or to sell only, or both to manufacture and to sell within the same or any other limits all or any other liquors, the exclusive manufacture and sale of which has not been assigned as above provided, but such licenses shall not carry with them any exclusive right to manufacture or to sell such liquors.

Third.—It shall be lawful for the Collector, under the authority of the Board of Revenue, to issue licenses for such periods as he may think fit, granting permission to any person or persons to manufacture or sell, or both to manufacture and sell all liquors whatsoever, or one or more specified liquors, in consideration of the due payment by such person or persons of a fee, or of an excise duty on the quantity of liquor manufactured or sold.

5. The Board of Revenue shall prescribe the rules and forms of licenses under which the manufacture or sale, or manufacture and sale of liquor shall take place, and from time to time, as occasion may require, shall alter, and amend such rules and licenses.

6. In cases where exclusive privileges of manufacture or sale, or of manufacture and sale have been granted to a renter or assignee, the Collector, subject to the approval of the Board of Revenue, shall determine the places at which stills and shops shall be erected, the plan on which such shops shall be built, the number of shops and stills in each District or other division of territory, the minimum prices at which liquor shall be sold at such shops, and the measures to be used in the sale of such liquor, the due publication of such prices and measures, and generally all matters relating to the management and control of such places of manufacture or sale.

7. The form of license for renting out exclusive privileges of manufacture or sale or of both, shall specify the time during which it is to be in force, the amount of rent, the periods for payment of the instalments, the minimum price at which liquor shall be

sold, and the number of stills and shops and their positions ; it shall provide against any improper practices in the stills or shops, or any adulteration of the liquor manufactured or sold, and shall contain such other conditions as the Board of Revenue

may consider necessary ; and no Abkary
Manufacture or sale without a license forbidden. renter or other person shall be allowed to establish a still or shop, or manufacture or

sell liquor, until he shall have obtained such license from the Collector of the District, and have executed an engagement binding himself to conform to its provisions, which engagement shall be lodged with the said Collector.

8. Every person placed by a Renter or by a Sub-renter, or
Engagement to be entered into by person in charge of still or shop. by the Collector when the Abkary is retained in his management, in charge of a still or shop, shall, first in the presence of the Tahsildar or other Government Officer authorized in that behalf by the Collector, sign in duplicate an engagement prepared in the vernacular language of the District, containing such conditions as the Board of Revenue may from time to time prescribe, after the same shall have been read over by him, or read and explained to him if he is unable to read it himself. Two witnesses shall be present when the engagement is acknowledged and executed by him, and shall sign their names in testimony of such acknowledgment ; one copy of the said engagement shall be deposited with the Collector who shall thereon issue a license to the person in charge of such still or shop. The other copy of the engagement and the license shall be fixed up in some conspicuous place in the shop or still.

9. *First.*—Abkary Renters shall be at liberty to sub-rent
Renters may sub-rent. their farms on such terms as they and their Sub-renters may respectively agree upon.

Second.—Sub-renters shall execute, in the mode prescribed in Section 8 of this Act, engagements containing such conditions as the Board of Revenue shall from time to time prescribe. No Sub-renter shall establish any still or shop, or manufacture or sell any liquor, nor shall any contract of sub-renting be valid

at law, or be recognized for the purposes of this Act, unless and until such engagement shall have been executed, and a license agreeably thereto shall have been issued to the Sub-renter by the Collector.

10. Collectors may proceed against Abkary Renters, or other persons licensed under this Act, for the recovery of arrears due by them, in like manner as for the recovery of arrears of Land Revenue, and may further, at their discretion, take the farm under Government management at the risk of the Renter, or may declare the lease forfeited, and re-sell the farm at the said Renter's risk and loss.

11. Renters under this Act are authorized to proceed against Sub-renters for the recovery of arrears in the same manner and subject to the same conditions as land-holders are or may be empowered by law to proceed against tenants for arrears of rent.

12. First.—Licenses for the distillation of spirits by the European process shall be issued by the Collector, under the orders of the Board of Revenue, on the payment of such fee or excise duty as they shall, from time to time, determine.

Second.—Such licenses shall provide that such spirits—except they be methylated and disposed of under the provisions of Act XVI of 1863, or be duly excised with duty by the Collector—shall be exported over sea, or, if sold within the Presidency of Madras, shall be sold only to Officers of Government on account of the public service, or to Abkary renters for retail sale within the limits of their respective farms.

Third.—No person licensed under this section shall be entitled to demand that the spirits manufactured by him be excised, but it shall be competent to the Board of Revenue, at their discretion, to permit such spirits to be excised and brought into the market for sale.

13. Licenses for the manufacture or sale of liquor under
Licenses for manufac-
 ture and sale, what they
 are to contain. Clauses 2 or 3 of Section 4 of this Act,
 shall be granted by the Collector under the
 orders of the Board of Revenue. Such
 licenses shall provide against any breach of Abkary privileges
 granted to any other person, and any improper practices at
 the place of sale or manufacture, and shall contain such
 other conditions as the Board of Revenue may consider neces-
 sary.

14. All persons not being licensed to manufacture or to
Prohibition against
 possession of liquor with-
 out permit. sell, or to manufacture and to sell liquor,
 are prohibited from having in their pos-
 session any quantity thereof exceeding one
 Imperial quart without a valid permit, except such quantities
 of English or Foreign Wines, Beer or Spirits, as may be required
 for *bonâ fide* private consumption. Permits for the possession
 of liquor shall be issued only by Collectors, Subordinate, Assist-
 ant or Deputy Collectors, or by Abkary renters.

15. The transit, without a permit, of any quantity of liquor
may issue per- exceeding one Imperial quart, is hereby
 prohibited. Permits for the transit of
 liquor shall be issued only by Collectors,
 Sub-Collectors, Assistant or Deputy Col-
 lectors, or by Abkary renters, or their
 sub-renters, or by such Public Officers or licensed vendors
 as may be duly authorized by the Collector to grant such
 permits.

16. The permit of a Collector, or of his Assistant or Deputy,
Validity and effect of
 permit. or other Public Officer duly authorized by
 him to grant permits, shall pass any quantity
 of liquor, and shall be held valid throughout the Presidency of
 Madras; the permit of a Renter, or Sub-renter, shall not pass
 more than 100 gallons of liquor, and shall not be valid beyond
 the limits of his farm; and the permit of a licensed vendor shall
 not pass more than 50 gallons of such liquor as may have been
 purchased from him, and shall not be held valid in respect of
 any other liquor or beyond the boundaries of the District in
 which it is granted.

17. All liquor passing through the territories under the Madras Government, beyond the limits of the Madras Abkary as prescribed by Act XIX of 1852, unaccompanied by a valid permit, or materially differing from the description or quantity specified in the permit, and all liquor, except such quantities of English or Foreign Wines, Beer or Spirits, as may be required for private consumption, found without a valid permit in the possession of any person not being a licensed vendor, or Officer of Government authorized to dispose thereof, shall be liable, together with the vessels, packages, and coverings in which the liquor is found, and the animals and conveyances used in carrying it, to be confiscated by the Collector, subject to the orders of the Board of Revenue, who may grant such portion of the proceeds to the informer and to the person making the seizure, as they may think proper.

18. Any person having obtained a license for the distillation of spirits by the European process, who shall dispose of such spirits in breach of the conditions prescribed in Section 12 of this Act, shall, on conviction thereof before a Magistrate, be liable to the forfeiture of his license, and to a fine not exceeding Rupees 1,000.

19. Any person duly licensed under this Act, either to manufacture or sell, or to manufacture and sell liquor, who shall be convicted before the Magistrate of permitting drunkenness or riot in his shop, or place of sale, or manufacture, or of harbouring persons of notoriously bad character, or of mixing or permitting to be mixed with the liquor made or sold by him, any ingredient likely to add to its intoxicating quality, when such admixture shall not amount to the offence of adulteration under Section 272 of the Indian Penal Code, or of keeping or offering such mixed liquor for sale, shall be liable to the forfeiture of his license, and to a fine not exceeding Rupees 200 for each offence.

20. Any person who shall be convicted before a Magistrate

of having wilfully contravened any rule regarding the manufacture or sale of liquor, which may have been prescribed by the Board of Revenue under the authority given in Section 5 of this Act, or any person duly licensed under this Act, who shall be convicted of having committed any breach of the provisions of his license, for which no special penalty is prescribed under this Act, shall be liable to a fine not exceeding Rupees 100 for each offence, and to the forfeiture of his license.

21. Any person who shall manufacture, or sell, or keep for the purpose of sale, any liquor, without being licensed, or at any other place or places than those specified in his license, or after the expiration of his license and before he shall have obtained a new license, shall, on conviction before the Magistrate, be liable to a fine not exceeding Rupees 500 for each offence, and to the forfeiture of his license.

Penalty for manufacture or sale without license.

22. Any person who shall convey or attempt to convey more than one Imperial quart of liquor without a valid permit, or materially differing from the description or quantity specified in the permit, and any person who shall have in his possession without a valid permit more than one Imperial quart of liquor, except such quantities of English and Foreign wines, beer and spirits as may be required for private consumption, shall, on proof thereof before the Magistrate, be liable to a fine not exceeding Rupees 500 for each offence.

Penalty for conveying liquor without a license.

23. Magistrates are hereby authorized to issue search warrants for the discovery of unlicensed stills, or of liquor illicitly sold, manufactured, or kept in any place. The issue and execution of such warrants shall be governed by the rules laid down in Chapter VIII of the Code of Criminal Procedure so far as the same may be applicable.

Search Warrants.

24. Any Police officer above the rank of Deputy Constable may, without a warrant, enter, inspect, and at any time, by day or at night, any of the purposes contemplated in this Act, the house, shop, or premises in which the sale or manufacture of liquor is carried on under this Act.

be inspected by Police without warrant.

25. Every person who holds a license for the sale or manufacture of liquor, shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any Magistrate or Police officer above the rank of Deputy Constable, who shall demand to see it; and any licensed dealer, who shall refuse or be unable to produce his license on such demand, shall, on proof of the same before a Magistrate, be liable to a fine not exceeding 200 Rupees.

26. Any Police officer may stop and detain any person having possession of or carrying in any public road, street, thoroughfare or place, or in any open shop, any liquor which requires a pass, and if no valid pass be produced to him on his demand, may seize the liquor with the vessels, packages, and coverings in which the liquor is found, and the animals and conveyances used in carrying it; and shall thereupon, without delay, take such person, together with the things so seized, before the Magistrate.

27. Nothing in this Act shall apply to the manufacture, sale, or supply of any article for medicinal purposes by recognized Medical Practitioners, Chemists, or Druggists.

28. Nothing in this Act shall be construed to restrict the home manufacture of fermented liquor for *bonâ fide* domestic consumption, and not for sale, or to authorize any public officer conducting the sale of liquor on account of the Government, or any renter, to compel or require the owner or occupier of any private garden or ground to draw toddy from Cocoa, Date, or other Palm trees. Provided that it shall be competent to the Board of Revenue at any time, by Notification published in the *Fort Saint George Gazette*, to declare such home manufacture to be illegal within the limits of any particular town or district unless duly licensed under this Act.

29. No renter of exclusive privileges shall, by virtue of such

to privilege, be entitled to levy any personal tax, ground rent, quit rent, tope rent, or any tax payable by toddy drawers, and not connected with the exclusive privilege of vending toddy.

30. Any penalty imposed under this Act may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

31. In case such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

32. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed Rupees 50, for any term not exceeding four calendar months when the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months when the amount shall not exceed Rupees 200, for any term not exceeding one year when the amount shall not exceed Rupees 500, and for any term not exceeding two years in any other case ; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

33. Nothing in this Act shall be taken to interfere with any

of the provisions of Act XVIII of 1853,
 XVIII of 1853, which shall remain in full force, any thing
 in this Act to the contrary notwithstanding,
 34. This Act shall take effect from such date as the Madras
 Government shall fix by an order to be
 Operation of Act. published in the *Fort St. George Gazette*.

ACT No. IV OF 1864.

PASSED BY THE GOVERNOR, OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 2nd July 1864, and of the
 Governor-General on the 27th August 1864.)

An Act for the levy of a Cess in lieu of Village Service Fees.

• WHEREAS by the immemorial usage of the country, certain
 fees in money and kind are payable by the
 Preamble. people towards the maintenance of Village
 Officers in the Revenue and Police Departments : And whereas
 the collection of such fees by the Officers entitled to the same is
 often difficult and objectionable, and it is therefore expedient
 that such fees should be abolished, and that a money cess should
 be substituted for the same ; It is hereby enacted as follows :—

1. In all Districts, or parts of Districts to which this Act
 shall be extended in the manner hereinafter
 Village fees to cease in prescribed in Section 11, all fees, contri-
 all Districts to which this Act is applied. butions and allowances, which have hitherto
 been customarily collected or demandable by Village Officers
 employed on Revenue and Police duties for their support or
 remuneration, by whatever denomination they may be called,
 shall absolutely cease and determine, any provision or declaration
 in Regulation VI of 1831, of the Madras Code, to the contrary
 notwithstanding.

2. In lieu of the fees, contributions, and allowances aforesaid,
 it shall be lawful for the local Government
 Government may im- to impose a money cess upon all holders of
 pose a money cess in pay- land, in any Districts, or parts of Districts,
 ment of Village servants.

to which this Act may be extended : the proceeds of which cess shall be devoted to the payment of Village servants employed on Revenue and Police duties within the village or group of villages or township in which such cess is imposed.

3. The rate of cess shall be, from time to time, determined by the local Government ; but shall not in any case exceed the rate of one anna in every Rupee of assessment and water tax payable to Government by each landholder. In the case of Inam lands, or lands held wholly or partially free from assessment, the cess shall be levied on the full assessment and full water tax which such lands would bear if they were not Inam ; and such full assessment and water tax, if not already fixed and known, shall be determined by the Collector of the District under the general orders of the Board of Revenue.

Rate of cess.

Inam lands not to be exempt.

4. The amount of such cess payable by each holder of land shall be entered in his puttah, and shall be realized in the manner provided for the recovery of arrears of Land Revenue in the Madras Presidency.

Mode of recovering cess.

5. The proceeds of the cess hereby authorized to be levied, shall be applied towards the remuneration of the Village servants employed on Revenue and Police duties in the village or group of villages or township in which the cess was raised.

Application of cess.

6. After this Act shall have been extended to any District or part of a District, it shall be unlawful for any person on any pretext to demand, collect, or receive in any such District or part of a District any fee, contribution, or allowance as being customarily due and payable on account of the maintenance of the Village servants employed on Revenue or Police duties, except as expressly provided and authorized by this Act. If any fee, contribution, or allowance be unlawfully collected or received by means of deception or intimidation, the offence shall be punishable under the sections of the Indian

be levied or Districts to which Act has been applied.

Penal Code for cheating or extortion, as the case may be. In all other cases of such illegal demand, collection, or receipt, the offender shall, on conviction before a Magistrate, be punishable by fine not exceeding 100 Rupees, recoverable by distraint, and commutable, if not paid, to imprisonment of either description not exceeding four months.

7. This Act shall be held to apply only to the following seven classes of Village servants employed on Revenue and Police duties, by whatever designation they may be known, viz. :—

1. The head man, commonly called Patél, Maniyakáran or Peddakápu.

2. Munsiff.

3. The Karnam.

4. The Saráf, or Nottakáran.

5. The Vettián, Toti, Tandalkáran.

6. Nírgantí, or distributor of water for irrigation.

7. The Watchman, or Talaiyári.

But nothing contained in this Act shall be held to apply to such Village servants as the Barber, the Washerman, the Astrologer, or to the Village artizans such as the Potter, the Smith, and the like.

In case of doubt, the Collector of the District, subject to the orders of the Board of Revenue, shall determine to what persons, as coming within the designation of Village servants employed on Revenue and Police duties, this Act may apply, and to what persons, as not coming within the said designation, this Act does not apply.

8. No claim to the enjoyment of any portion of the cess imposed by this Act, and no question regarding liability to the

Civil Courts not to have jurisdiction in regard to cess. same, or regarding the rate thereof, shall be cognizable by the Courts of Judicature, but the same shall be adjudicated by the

Collector, or Officers exercising the powers of a Collector, of the District in which they may arise. It shall,

Collector may refer to Tahsildar. however, be competent to the Collector or such Officer to refer any such claim or

question for adjudication by the Tahsildar of the Talook in which it has arisen.

9. From every decision, act, or order of a Collector, or Officer exercising the powers of a Collector, under this Act, an appeal shall lie to the Board of Revenue : Provided such appeal be made within three months from and after the date of the decision, act, or order.

10. The decisions of the Board of Revenue on all appeals under the foregoing Section shall be final and conclusive.

11. This Act shall take effect only within such Districts or parts of Districts of the Madras Presidency, and from such dates in each of the same, as the local Government shall direct by notification in the *Fort Saint George Gazette*.

ACT No. I OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 12th December 1864,
and of the Governor-General on the 5th January 1865.)*

An Act to provide for the alteration of the Stations of Zillah Courts and limits of Districts or Zillahs in the Madras Presidency.

WHEREAS it is expedient to provide for the alteration of the stations of Zillah Courts and of the limits of Districts or Zillahs in the Madras Presidency ; It is enacted as follows :—

1. It shall be lawful for the Governor in Council of Fort Saint George, from limits of existing Districts or Zillahs. Zillah Courts, and to alter the limits of existing Districts or Zillahs in any part of the Provinces subject to his control.

2. So much of Act XXIV of 1839, Section 8, and of Act VII of 1843, Section 53, as makes the assent of the Governor-General necessary to alteration of the stations of Zillah Courts, or of the limits of the tracts or Zillahs under the Government of Fort Saint George, is hereby repealed.

of Act VII of 1843,
partially repealed.

ACT No. II OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 12th December 1864,
and of the Governor-General on the 6th January 1865.)*

An Act for the repeal of Sections 48 and 49 of Act VII of 1843.

WHEREAS it is expedient to enable the Government of Fort Saint George to place the Zillah Jails of the Presidency in charge of Officers other than the Sessions Judges, or Judges of the Subordinate Criminal Courts, where such Courts may be established ; It is enacted as follows :—

1. Section 48, and so much of Section 49 of Act VII of 1843 as vests the charge of the Jail at a Zillah station in the Judge of the Subordinate Criminal Court, when such Court is constituted according to Regulation II of 1827, are repealed.

Sections 48 and 49 of
Act VII of 1843, re-
pealed.

2. This Act shall take effect from the date of its publication in the *Fort George Gazette*.

Commencement of Act.

ACT No. III OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 21st February 1865, and of the Governor-General on the 4th March 1865.)

An Act to make better provision for the punishment of offences against Special and Local Laws.

WHEREAS it is expedient to give Magistrates in the Madras Presidency jurisdiction to the extent of their ordinary powers in respect of offences created by Special and Local Laws in the said Presidency ; It is enacted as follows :—

1. Every Magistrate within the Madras Presidency shall be authorized to take cognizance of any offence committed within his local jurisdiction, against any Special or Local Laws now in force in the said Presidency, notwithstanding any provision to the contrary in any Act or Regulation now existing ; and also of any offence against any Special or Local Law which may hereafter be passed, unless such Law shall make the offences to which it refers punishable by some other authorities therein specially mentioned. Provided always, that every such Magistrate shall be restrained within the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict.

2. This Act shall come into effect from such date as the Governor in Council may notify in the *Fort Saint George Gazette* ; and it shall also be lawful for the Governor in Council, from time to time by a similar notification, to exclude any particular law, either generally, or in any special locality, from the operation of this Act.

ACT No. IV. OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 24th March 1865, and of the Governor-General on the 12th April 1865.)

An Act to make provision for the administration of Military Cantonments in the Presidency of Fort Saint George.

N. B.—The operation of this Act has been partially suspended, and the Act itself is about to be repealed. Except where Act XI of 1865 is substituted for Act XLII of 1860 in the repealing Act, its provisions will be almost identical with those of Act IV of 1865.

ACT No. V OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 7th April 1865, and of the Governor-General on the 28th April 1865.)

An Act to amend Act XXIV of 1859.

WHEREAS it is expedient to amend Act XXIV of 1859 by giving power to any Magistrate in any case in which he shall impose a fine under that Act, and, where such fine shall not be forthwith paid, to apprehend and to detain or to take security for the appearance of any offender so fined and not forthwith paying his fine until a return can be made to the Magistrate's warrant of distress. And whereas it is also expedient to lay down, with respect to offenders who are and who are not British subjects respectively, the course of procedure to be followed when no sufficient distress can be had :

Preamble.

It is hereby enacted :—

1. All forfeitures or penalties imposed under the authority of

Act XXIV of 1859 for offences punishable by a Magistrate, may,

Forfeitures or penalties in case of non-payment thereof may be levied by distress and sale.

in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of jurisdiction of the Magistrate of the District, by warrant

under the hand of the Magistrate who made the order.

2. In case any fine, forfeiture or penalty shall not be forthwith paid, the Magistrate may order the

Offender may be detained in custody or compelled to give security, if fine, &c., be not forthwith paid.

offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress,

unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

3. If, upon the return of such warrant it shall appear that no sufficient distress can be had whereon to

If no sufficient distress can be had, or there be not sufficient property whereupon the fine, &c., can be levied, the offender, if not a European British subject, may be imprisoned.

levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate, by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied

if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

4. If the offender be a European British subject, the Magistrate shall record the facts and transmit

facts to be recorded, and record transmitted to Civil Court.

record to the Civil Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any)

shall be levied in the manner provided for the execution of decrees of the Civil Court.

5. This Act shall be read with, and be taken to be part of, Act XXIV of 1859.

Act to be construed
with Act XXIV of 1859.

ACT No. VI OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 29th July 1865, and of the Governor-General on the 19th August 1865.)

An Act to enable the Governor in Council to direct and prescribe what Official Seals Collectors, Magistrates, and other Public Officers shall have and use.

WHEREAS it is expedient that provision should be made for enabling the Governor in Council, from time to time, to direct and prescribe what official seals shall be used by Collectors, Magistrates, and other Public Officers :

Preamble.

It is enacted as follows :—

1. From and after the passing of this Act, it shall be lawful for the Governor in Council, from time to time, to direct and prescribe what official seals shall be used by Collectors, Magistrates, and other Public Officers, any Regulation or Act to the contrary notwithstanding.

The Governor in Council to prescribe what official seals shall be used by Collectors and other Public Officers.

Section 10, Regulation II of 1803, repealed.

2. Section 10, Regulation II of 1803, is hereby repealed.

ACT No. VII OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 29th July 1865, and of the Governor General on the 7th September 1865.)

An Act to enable the Government to levy a separate cess for the use of water supplied for irrigation purposes in certain cases.

WHEREAS in several Districts of the Madras Presidency, large expenditure out of Government Funds has been and is still being incurred in the construction and improvement of works of Irrigation and Drainage, to the great advantage of the country and of proprietors and tenants of land : and whereas it is right and proper that a fit return should, in all cases alike, be made to Government on account of the increased profits derivable from lands irrigated by such works :

Preamble.

It is enacted as follows :—

1. Whenever water is supplied or used for purposes of irrigation from any river, stream, channel, tank, or work belonging to, or constructed by, Government, it shall be lawful for the Government to levy, at pleasure, on the land so irrigated, a separate cess for the use of the water, which cess shall be additional to any land assessment that may be leviable on the said land as unirrigated or Punjab ; and the Government may prescribe the Rules under which, and the rates at which, such water-cess as aforesaid shall be levied, and alter or amend the same from time to time.

The Government may levy a water cess in addition to land assessment in certain cases.

2. Arrears of water-cess payable under this Act shall be realized in the same manner as arrears of Land Revenue are, or may be realized by law in the Madras Presidency.

Water cess how recoverable.

3. No action or other proceeding shall be had, or taken, or

No action shall lie against any officer for any thing done relating to the levy of water-rates heretofore imposed with the sanction of Government.

be sustainable against any Officer for any thing done by him previous to the passing of this Act in, or relating to, the imposition, or levying of any such water-rates heretofore imposed or levied with the sanction of the Local Government.

4. This Act shall extend to all lands held by Zemindars, Inamdars, or any other description of land-
 Scope of Act.

holders, for the irrigation of which water may be supplied or used from any such river, stream, channel, tank or work, as is specified in Section 1 ; provided always, that where a Zemindar or Inamdar, by virtue of engagements with the Government, is entitled to irrigation, free of separate charge, no cess under this Act shall be imposed for water supplied to the extent of such right and no more.

ACT No. VIII OF 1865.

PASSED BY THE GOVERNOR OF FORT SAINT GEORGE IN COUNCIL.

(Received the assent of the Governor on the 8th April 1865, and of the Governor-General on the 19th September 1865.)

An Act to consolidate and improve the Laws which define the process to be taken for the recovery of Rent.

WHEREAS it is expedient to consolidate and simplify various laws which have been passed relative to
 Preamble. landholders and their tenants, and to provide a uniform process for the recovery of Rent ; It is enacted as follows :—

1. The term “ landholders ” when used
 Interpretation clause. in this Act shall be taken to include the
 Landholder. following persons :—

All persons holding under a Sunnud-i-Milkeut Istimrar, all other Zemindars, Shrotriemdars, Jaghiredars, Inamdars, and all persons farming lands from the above persons or farming the Land Revenue under Government.

Also all holders of land under Ryotwar settlements or in any way subject to the payment of Land Revenue direct to Government, and all other registered holders of land in proprietary right.

The term “tenant” shall, for the purpose of this Act, include all persons who are bound to pay rent to a landholder.

Tenant.

The word “Collector” shall be taken to denote every Officer who, for the time being, is authorized to exercise the powers of a Collector. Words, in the masculine gender shall be taken to include the feminine, and words in the singular number shall be taken to include

Collector.

Gender.
Number.

the plural, unless the contrary shall appear by the context.

2. Landholders shall have authority to proceed against tenants for arrears of rent in the manner and on the conditions hereinafter laid down : Provided always, that process against a tenant under this Act must be taken within one year from the time when the rent became due.

Mode of enforcing
arrears.

3. Zemindars, Jaghiredars, Shrotriendars, Inamdars, and persons farming lands from the above persons, or farming the Land Revenue under Government, shall enter into written agreements with their tenants, the engagements of the landholders being termed Puttah, and those of the tenants being termed Muchilka.

landholders and their
tenants.

4. The Puttah shall contain the names of the contracting parties ; the local description and extent of the land ; the amount and nature of the rent, according as the same may be payable in money, or in kind, or by a share of the produce including any fees or charges payable with it according to established usage or to Law ; the period at which payments are to be made ; the date of the contract ; and all other special terms by which it is intended that the parties shall be bound. The Muchilka shall, at the option of the landholders, be a counterpart of the Puttah, or a simple engagement to hold according to the terms of the latter.

Contents of Puttah
and Muchilka.

The landholders specified in Section 3 shall not levy any unauthorized tax on their tenants under any name or under any pretence. Every tenant from whom any sum is exacted in excess of the rent, or other authorized charge specified in his Puttah, shall be entitled to recover by a summary suit before the Collector double the amount so exacted with costs. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the receiver of such sum in excess of the proper rent and authorized charges may be subject by law for extortion.

6. Puttahs and Muchilkas shall be regularly signed and registered by the Curnum of the village in which the lands engaged for are situated.

Puttahs and Muchilkas to be signed and registered.

7. No suit brought, and no legal proceedings taken to enforce the terms of a tenancy, shall be sustainable unless Puttahs and Muchilkas have been exchanged as aforesaid, or unless it be proved that the party attempting to enforce the contract had tendered such a Puttah or Muchilka as the other party was bound to accept, or unless both parties shall have agreed to dispense with Puttahs and Muchilkas. Such tender shall be sufficiently evidenced by such proof of service as is provided for by Section 39 in the case of notices. But it shall not be necessary to send duplicates of such documents to the Collector.

Muchilkas have been exchanged, or tendered or dispensed with.

8. When any of the landholders specified in Section 3 shall, for three months after demand, have refused to grant such a Puttah as his tenant was entitled to receive, it shall be lawful for the latter to proceed by filing a summary suit before the Collector, who shall try the case and direct a proper Puttah to be granted, and shall award to the tenant such costs and damages as may be shown to have been incurred.

Refusal to grant Puttahs.

9. When a tenant shall, for one month after demand, have refused to accept such a Puttah as the landholders specified in Section 3 are entitled to impose, and to grant his

to receive

Muchilka in exchange, it shall be lawful for such landholders to proceed by a summary suit before the Collector to enforce acceptance of the Puttah.

10. In adjudicating the suits specified in the preceding Section, the Collector shall first enquire whether the party sued was bound to accept a Puttah and give a Muchilka, and unless this be proved the suit shall be dismissed with costs. Should the plaintiff establish the above point, the Collector shall enquire whether the Puttah tendered is a proper one. If he shall be of opinion that it is a proper one, he shall pass a judgment directing the defendant to accept the Puttah and to execute a Muchilka in accordance with it, and to make good any damages that may have been incurred by his previous refusal. If the Collector shall be of opinion that the Puttah tendered is not a proper one, he shall decide, in the mode prescribed in the next following Section, what Puttah ought to be offered, and shall then pass a judgment ordering the defendant to accept such Puttah and to execute a Muchilka in accordance with it. If within ten days from the date of the Collector's judgment the defendant shall not have accepted the Puttah as approved or amended by the Collector as aforesaid, and shall not have executed a Muchilka in the terms of the said Puttah, the Collector, on application made to him by the plaintiff, and on proof of such default on the part of the defendant, shall pass an order for ejecting the defendant.

11. In the decision of suits involving disputes regarding rates of rent which may be brought before Collectors under Sections 8, 9 and 10, the following Rules shall be observed:—

All contracts to be enforced,

(i.) All contracts for rent, express or implied, shall be enforced.

(ii.) In Districts or villages which have been surveyed by the British Government previous to 1st January

Rent how fixed in surveyed Districts.

1859, and in which a money assessment has been fixed on the fields, such assessment is to be considered the proper rent when no contract for rent, express or implied, exists.

(iii.) When no express or implied contract has been made between the landholder and the tenant, and when no money assessment has been so fixed on the fields, the rates of rent shall be determined according to local usage, and when such usage is not clearly ascertainable, then according to the rates established or paid for neighbouring lands of similar description and quality. Provided that if either party be dissatisfied with the rates so determined, he may claim that the rent be discharged in kind according to "the Warum," that is, according to the established rate of the village for dividing the crop between the Government or the landlord and the cultivator. When "the Warum" cannot be ascertained, such rates shall be decreed as may appear just to the Collector after ascertaining if any increase in the value of the produce or in the productive power of the land has taken place otherwise than by the agency or at the expense of the ryot.

(iv.) In the case of immemorial waste land and of lands left unoccupied, either through default or voluntary resignation, it shall be lawful for landholders to arrange their own of rent ; provided that nothing in this rule shall be held to affect any special rights which by law, or usage having the force of law, are held by any class or person in such waste or unoccupied lands.

Provided always that nothing herein contained shall affect the right of any such landholder, with the sanction of the Collector, to raise the rent upon any lands, in consequence of additional value imparted to them by works of irrigation or other improvements executed at his own expense, or constructed at the expense of Government, and for which an additional revenue is levied from him. Provided also, that no Puttahs which may have been granted by any such landholder at rates lower than the rates payable upon such lands, or upon neighbouring lands of similar quality and description, shall be binding upon his successor, unless such Puttah shall have been *bond fide* granted for the erection of dwelling houses, factories, or other permanent buildings, or for the pur-

Mode of determining rate of rent when no contract exists.

In case of immemorial waste lands, landholders to arrange terms of rent.

Additional rent may be demanded on account of improvements.

cessors except in certain cases.

pose of clearing and bringing waste land into cultivation, or for the purpose of making any permanent improvement thereon, and unless the tenant shall have substantially performed the conditions upon which such lower rates of assessment were allowed.

12. The landholders specified in Section 3 are not empowered to eject tenants from their lands except by a decree of a Civil Court, or under the provisions of Sections 10 or 41 of this Act. Tenants ejected without such due authority may bring a summary suit before the Collector to obtain reinstatement with damages. Provided always that tenants shall be allowed to relinquish their lands at the end of the revenue year by a writing to be signed by them in the presence of witnesses, or, at any other time, if the landholder is willing to accept the relinquishment.

Mode of ejectment.

Surrender of lease.

13. All landholders under Ryotwar settlements, or in any way subject to the payment of land revenue direct to Government, and all other registered holders of land in proprietary right, shall be authorized to proceed under this Act for the recovery of rent, if they have taken a lease or agreement in writing from their tenants specifying the rent to be paid to them, but not otherwise.

war settlements, &c.

14. When rent shall remain unpaid at the time when, according to any written agreement or the custom of the country, it ought to have been paid, the amount remaining unpaid shall be deemed an arrear of rent. It shall be lawful for landholders to distrain, upon their own responsibility, the crops and movable property of their tenants for the recovery of arrears of rent due by them.

Arrear of rent.

May be recovered by distress.

15. In the seizure and sale of movable property for arrears of rent, the following Rules shall be observed :—

-The landholder or his authorized agent shall furnish to the person employed to distrain the property of a tenant, a demand in writing signed with his name, specifying the name

Demand of arrear.

of the tenant, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due. The person employed to distrain shall produce the writing which, if the arrear be not at once paid, or if no arrangement for securing the same be entered into to the satisfaction of the distrainer,

Copy to be left with
defaulter.

shall be his authority for making the distress, and, on the day on which the property may be distrained, he shall deliver a copy of such writing to the tenant, endorsing thereon a list of the property distrained, the name of the place where it may be lodged or kept, and a notice that it will be brought to public sale in due course unless the amount of the arrear, with interest and the expenses of the distress, be previously discharged.

2nd.—When the tenant may be absent, a copy of the writing with the endorsement shall be fixed or left, on the day of the distraint, at his usual place of residence, or on the premises where the property may have been distrained.

Or, if absent, at his
residence.

16. The distrainer shall also send, within ten days, a written notice to the Collector or Officer empowered by the Collector in that behalf, in which shall be stated the details of the property seized, the name of the defaulter, the amount in arrear, and the date of the seizure. The date on which this notice is received shall be endorsed upon it, and the Collector, or Officer empowered by the Collector in that behalf shall send a copy of it to the nearest Public Officer empowered to sell distrained property under Act VII of 1839, in order that the property may be at once appraised and eventually sold, if necessary, for the discharge of the arrear with interest and costs of distraint.

The details of the appraisement shall be drawn out in writing and signed by the persons whom the said Public Officer may nominate to make it, as well as by the said Officer himself.

17. Officers empowered to sell distrained property are required to bring to the notice of Collectors any material irregularity committed by distrainers under color of this Act, and are authorized, in

Effect of irregularity.

such a case, to postpone a sale pending the Collector's order. When it shall come to the Collector's knowledge, either through the above Officer or otherwise, that the distrainer did not give to the tenant the written demand and the list of distrained property required by Section 15 or failed to give the prescribed notice of the distraint to the Collector or Officer empowered by the Collector in that behalf, the Collector shall direct the restoration of the distrained property to the owner. The distrainer shall not be allowed to proceed further under this Act for the recovery of the arrear of rent, and the tenant shall be at liberty to sue him summarily before the Collector for any loss or damage which he may have sustained.

18. If the tenant does not appeal against the distraint by filing a summary suit before the Collector within thirty days from the date of such distraint, or if a suit is filed and decided against him, the distrainer shall, within fifteen days, apply to the Collector for an order directing the Public officer empowered by Act VII of 1839, to cause the sale of the distrained property, who, on receiving such order, shall fix up in some conspicuous place in the village a notice specifying the property to be sold, and the time and place which he has fixed on for its sale. He shall also cause proclamation of the intended sale to be made, by beat of drum, in the village to which the lands belong on which the arrear has accrued. In fixing the day of sale, not less than seven days must be allowed from the time of the public notice, and not less than thirty days from the date of distraint.

19. Persons authorized to distrain for arrears of rent may apply to the nearest Police station for such assistance as may be necessary to prevent any breach of the peace, and the authority to whom such application is made shall depute one or more Police officers to be present at the time of such distress, and it shall be their duty to prevent resistance or breach of the peace, and also to give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereupon if required.

20. When property distrained may be stolen or lost, or damaged or destroyed while in the keeping of the distrainer by reason of his not having taken the necessary precautions for its due preservation, he shall be responsible to the owner for the loss or damage, and the Collector shall be authorized to pass a judgment to that effect on a summary suit being brought before him, and on the loss or damage being proved.

Distrainer liable for loss of, or injury to, property.

21. The distrainer attaching the crops or ungathered products of the land belonging to the defaulter, may cause them to be sold when fit for reaping or gathering, or, at his option, may cause them to be reaped or gathered in due season and stored in proper places until sold. In the latter case the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner on redeeming his property, or from the proceeds of the sale in the event of its being sold.

Mode of dealing with crops.

22. When a defaulter may tender payment of the arrear demanded after his property may have been distrained, and prior to the day fixed for sale, together with payment of interest, batta, and all necessary expenses attending distress, the distrainer shall receive the amount immediately upon the same being tendered, and shall forthwith release the property.

On tender of arrear and expenses, prior to the day of sale, distress to be withdrawn.

23. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained; he shall provide the necessary food for the cattle or live stock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained cattle or goods not to be used.

24. The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the amount of the arrears.

Time of distress.

25. Distress shall be made after sunrise and before sunset, and not otherwise.

26. When a defaulter may make a fraudulent conveyance of property to prevent the distress of arrears, any Civil Court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer. The defaulter will further be liable to the penalties prescribed by Section 424 of the Indian Penal Code.

27. When it may be proved to the satisfaction of any Civil Court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the Court may summarily cause such property to be restored to the distrainer. The offender will further be liable to the penalties prescribed by the Indian Penal Code.

28. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out-house, or other building, and he may also enter any dwelling house, the outer door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein; Provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling house appropriated for the zenana or residence of women, except as hereinafter provided.

29. When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country, are considered private, such distrainer shall represent the same to the officer in charge of the nearest Police station. On such representation, the officer in charge of the said station shall send a Police officer to the spot, in the presence of whom the distrainer may force open the outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the zenana. The distrainer may also, in the presence of the Police officer, after due notice given for the removal of women within a zenana, and after fur-

nishing means for their removal in a suitable manner (if they be women of rank, who according to the customs of the country, cannot appear in public), enter the zenana apartments for the purpose of distraining the defaulter's property deposited therein, but such property, if found, shall be immediately removed from such apartments, after which they shall be left free to the former occupants.

30. Persons entering the apartments of women, or forcing open the outer door of dwelling houses, contrary to the provisions of this Act, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rupees 500, or to imprisonment of either description for any period not exceeding six months.

31. When property having been attached or distrained may be ordered to be put up for sale, and the sale may be countermanded, the owner of the property shall nevertheless be responsible for the expenses incurred in consequence of the attachment or distraint, in the same manner as if the sale had taken place ; and in the event of such owner omitting to discharge the amount, it shall be recoverable by the process under which the original demand would have been recoverable.

Expense of countermanded sales to be sustained by the defaulter.

32. Claims to crops upon the ground and gathered products of the ground attached in the possession of the defaulter, whether founded upon a previous sale, mortgage, or otherwise, shall not bar the prior claim to rent due from the ground upon which such crop or product may have been grown. But if, before the day fixed for the sale, a third party appear before the Collector, or Officer empowered by the Collector in that behalf, and claim a right or interest in any of the other movable property under distraint, the Collector shall hold, or cause to be held, an immediate inquiry, and if he sees sufficient cause for doing so, may postpone the sale of such property. The Collector shall adjudicate upon the claim, and pass such order between the claimant and distrainer as shall seem fit. If the claimant fails to establish his right, an order shall be issued for proceeding with

Claims by third parties.

the sale. No appeal shall lie from any order passed by a Collector under this Section, but the party against whom the order may be given shall be at liberty to bring a suit in the Civil Court to establish his right; provided that if the Collector's order be for the sale of the property, the suit shall not be for the recovery of the property, but shall be for damages against the person by whom the property was brought to sale.

33. At the appointed time, the Public Officer empowered to sell distrained property shall put up the property to sale in one or more lots as he may consider advisable, and shall dispose of it to the highest bidder. If the arrear, with interest and costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn as respects the remainder. When the property put up to auction may sell for more than the amount of the arrear, the overplus, after deducting expenses of process, interest, and a sale commission of $6\frac{1}{4}$ per cent., shall be paid to the defaulter. The abovementioned sale commission is to be carried to the credit of Government.

34. The said Officer shall, in every case, examine the distrainer's statement of the expenses incurred in attaching the property and bringing it to sale, and shall reject any part appearing to him unreasonable. If either the distrainer, or the owner of the distrained property, shall be dissatisfied with the said Officer's decision, the Collector is hereby authorized, on an application being made to him by either party, to determine the expenses incurred in attaching the property and bringing it to sale, and the Collector's order shall be final.

35. The property shall be paid for in ready money at the time of sale, or as soon after as the Officer holding the sale shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full. When the purchaser may fail in the payment of the purchase money, the property shall be re-sold, and the defaulting purchaser shall be

liable for any loss arising, as well as for the expenses incurred on the re-sale, and such loss and expenses shall be recoverable by summary suit before the Collector. When the property may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made. When the purchase money has been paid in full, the officer holding the sale shall give the purchaser a certificate, describing the property purchased by him, the date of sale, and the sum paid.

36. No irregularity in publishing or conducting a sale of movable property under this Act shall vitiate such sale, but any person who may have sustained damage by reason of such irregularity shall be allowed to bring a summary suit before the Collector to recover compensation for such damage.

Effect of irregularity
in sale.

Interest on arrears.

37. Interest shall be chargeable on arrears under this Act at the rate of 1 per cent. per mensem.

38. When arrears due to any of the landholders specified in Section 3 may not be liquidated within the current revenue year, and when, by express contract or by the usage of the country, the defaulter may have a saleable interest in the land on which the arrear is due, it shall be lawful for such landholder to sell such interest in satisfaction of the arrears and of interest thereon at the prescribed rate, and of costs of attachment when any such has taken place.

39. When the person to whom an arrear is due intends to avail himself of the powers given by the preceding Section, he shall give the defaulter a written notice of his intention to sell, and such notice shall state the amount due for arrears, interest, and costs, if any, and shall inform him that if the amount is not liquidated within one month from the date of service upon him, his interest in the land shall be sold. The notice shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorized agent, or, when such service cannot be effected, by

to be given of
to

affixing a copy of the notice on some conspicuous part of his last known residence, or on some conspicuous part of the land to which it refers. A duplicate of the notice shall also be sent to the Collector, with an endorsement stating the date of service, and the mode in which it was effected.

40. When no appeal has been made to the Collector against such notice by preferring a summary suit within one month from the date of service upon the defaulter, or as above specified, or when an appeal has been decided against the defaulter, the party entitled to the arrears shall be authorized to take measures for the sale, which shall be conducted under the rules laid down for the sale of movable property distrained for arrears of rent.

41. When any tenant shall be in arrear at the end of the current revenue year, and when there is no sufficient distress upon the premises to satisfy the same, and when the tenant has no saleable interest in the land, it shall be lawful for a landholder, or for his authorized agent, to apply to the Collector for a warrant, authorizing him to enter upon, and take possession of, the premises. Such warrant shall be granted upon the production of a written statement of the person applying for the warrant, which shall contain the name of the defaulter, the description and extent of the premises, the amount due for arrears, interest, and costs of attachment, if any, and the date at which it fell due, and also a declaration that there is no sufficient distress upon the premises, and that the tenant has no saleable interest therein. Such statement shall be filed in the office from which the warrant issues.

42. The warrant shall state the defaulter's name, the whole amount due, and the description and extent of the premises, and shall set forth that unless payment is made within fifteen days, the defaulter will be turned out of possession.

43. The warrant shall be entrusted to some Officer of Police, who shall serve it in the manner laid down of the in Section 39 of this Act. When no appeal shall be preferred to the Collector within

fifteen days after service, or when an appeal has been preferred and decided against the defaulter, and when the amount named in the warrant is not discharged, the Police Officer shall place the person who has procured the warrant in possession.

44. Upon delivery of possession, the tenancy existing between the defaulter and the landholder shall cease of and determine, unless an action shall be brought in the proper Court of Civil Judicature, within one month, to reverse such delivery of possession, and shall be prosecuted to a successful termination.

45. When the arrear cannot be liquidated by distress and sale of the movable property of the defaulter, or by the sale of his interest in the land, it shall be lawful for a landholder or his authorized agent to apply to the Collector for a warrant for the personal arrest of the defaulter, which shall be granted upon the production of a written statement such as is prescribed by Section 41 of this Act, if the Collector shall have reason to believe that the defaulter, or his security, is wilfully withholding payment, or has been guilty of fraudulent conduct in order to evade payment.

46. The warrant shall state the defaulter's name, the description and extent of the land on which the arrear accrued, the amount due for arrears, interest and costs of attachment if any, and the date at which the arrear fell due, and shall further set forth that unless the amount is paid in twenty-four hours, the defaulter will be lodged in Jail.

47. If the defaulter demand to be taken before the functionary who issued the warrant, he shall be so taken; and if he there deny the existence or amount of arrears, or his liability to discharge the same, such functionary shall proceed at once to investigate the matter, and shall suspend execution of the warrant pending judgment, upon security being given for the appearance of the defaulter when required, and for the costs occasioned by the denial; provided always, that when he may see reason to think that the statement upon which the warrant was obtained was untrue, he may suspend execution without requiring security.

Stay of execution.

48. No person shall be imprisoned as a defaulter for a longer period than two years, whatever the amount of arrears may be ; nor for a longer period than six months, if the arrears do not exceed Rupees 500 ; nor for a longer period than three months, if the arrears do not exceed Rupees 50 : provided that such imprisonment shall not extinguish the debt due by the defaulter. The person procuring the arrest shall pay to the defaulter, whilst in confinement, subsistence money at the established rates, and, upon default of such payment, the prisoner shall be entitled to his release.

49. Any person deeming himself aggrieved by any proceedings taken under color of this Act shall be at liberty to seek redress by filing a summary suit for damages before the Collector.

50. Suits under this Act shall be instituted by presenting to the Collector a plaint, which shall contain the name, description, and place of abode of the Plaintiff—the name, description, and place of abode of the Defendant, so far as they can be ascertained, the nature and amount of the claim, or the relief sought, and the date of the cause of action. Any documents which the Plaintiff wishes to produce in support of his claim shall accompany the plaint, and none shall be received afterwards, unless the Collector shall see cause to admit them. Irregular or incomplete plaints may be returned to the party, or the Collector may, at his discretion, allow them to be amended.

51. Summary suits under this Act must be brought within thirty days from the date of the cause of action.

52. Plaintiffs and Defendants shall be allowed to employ a relative, a servant, or other authorized agent, to act in their behalf in suits brought before Collectors under this Act.

53. If the plaint shows that the suit has been brought within the time of limitation and is cognizable by the Collector, a day shall be announced for its trial, and a written summons shall be

addressed to the Defendant, containing the name of the Plaintiff, and stating concisely the nature and amount of the claim, the position of the land or premises in respect to which the suit is brought, and the amount of damages sought, if any. The costs of issuing and serving the summons shall be endorsed thereon, and the amount shall be deposited by the Plaintiff, unless the Collector allows its issue free of cost. The summons shall require the Defendant to appear at the Collector's office on the day fixed, bringing with him, subject to all just exceptions, any documents which the Plaintiff may desire to inspect, and all documents which the Defendant may wish to produce in his defence, as well as his witnesses, should they be willing to appear without issue of process. The Defendant shall not be allowed to

Documents to be produced at first hearing.

produce any documents except at the first hearing of the suit, unless he shall show cause to the Collector's satisfaction for their admission afterwards.

54. If the Plaintiff require the personal attendance of the Defendant, and satisfy the Collector that such personal attendance is necessary, or if the Collector, of his own accord, require such personal attendance, the summons shall be issued accordingly, unless such person be of the female sex and of a rank or class which renders it unsuitable for her to appear in public. Otherwise it shall require the Defendant to appear either personally, or by his authorized agent.

55. The summons shall be served by delivering a copy of it to the Defendant personally when practicable, or if the summons cannot be served on the Defendant personally, or on some adult male member of his family, or on his authorized agent, then by affixing a copy of it to some conspicuous part of his usual place of abode, and also affixing a copy of the same in the Collector's office.

56. The Collector shall be authorized, at any time during the suit, to summon the Plaintiff to appear personally for examination, should he see cause to do so, and to dismiss the suit

Personal attendance of Plaintiff.

57. If, on the day fixed for the trial of the suit, or on any subsequent day to which the hearing of the case may be adjourned, neither of the parties appear in person or by an authorized agent, the suit shall be dismissed. If the Defendant only appears, the Collector shall pass judgment against the Plaintiff by default, unless the Defendant admit the cause of action, in which case the Collector shall give judgment upon such admission without costs; provided that such judgment, if there be more than one Defendant, shall be only against the Defendant who makes the admission. If the Plaintiff only appear, the Collector, upon proof that the summons was duly served, shall proceed to examine the Plaintiff and his evidence, and may pass judgment *ex parte* for or against the Defendant.

Default by both parties.

By Plaintiff.

Effect of admission by Defendant.

Default by Defendant.

58. No appeal shall lie from a judgment passed *ex parte* against a Defendant who has not appeared, or from a judgment against a Plaintiff by default for non-appearance. But in all such cases, if the party against whom judgment has been given shall appear, either in person or by agent, if a Plaintiff within fifteen days from the date of the Collector's order, and if a Defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shall show good and sufficient cause for his previous non-appearance and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms and conditions as to costs or otherwise as he may think proper, revive the suit and alter or rescind the decree, according to the justice of the case. But no decree shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

No appeal where judgment on default or ex-parte.

Suit may be revived.

59. It shall be lawful for the Defendant, at any time before the day fixed for the hearing, to acknowledge the justice of the claim, and to pay into the Collector's Court, or into the hands of the Plaintiff, or his authorized agent, the amount sued

Payment before hearing.

for and the costs of the summons, and thereupon all proceedings shall be stayed, and a judgment passed in favor of the Plaintiff. It shall also be lawful for the Defendant to acknowledge such part of the Plaintiff's claim as he shall think fit, or to pay, as aforesaid, so much of the money claimed as he admits to be due, and if the Plaintiff persists in the suit and fails to recover more than the amount so paid or acknowledged, he shall pay all subsequent costs.

60. Collectors exercising judicial functions under this Act shall have the same powers as to compelling the production of documents and enforcing the attendance of witnesses and punishing those who fail to appear or to give evidence as are possessed by Civil Judges.

61. The parties shall bring forward their witnesses at the time of trial, and if either party require assistance to procure the attendance of a witness either to give evidence or produce a document, he shall apply to the Collector in sufficient time before the day fixed for the trial to enable the witness to be summoned to attend on that day, and the Collector shall issue a summons requiring such witness to attend.

62. Every process issued by the Collector during the trial of a summary suit shall be under his seal and signature, and shall be served or executed by such person as he may appoint at the cost of the party at whose instance it is issued. The amount of such cost, and any sum which may be required for the travelling expenses of a witness, shall be deposited in the Collector's Court before the process is issued.

Provided that in any case where the Collector may see cause, he may direct such process to be served free of charge.

63. In the hearing of the suit, the examination of the parties or their authorized agents, and of the witnesses for the plaint and the defence, shall be upon oath or affirmation, or otherwise according to the law for the time being in force relative to the examination of witnesses. The evidence of the witnesses be taken down in the form of a narrative in the verna-

cular language of the District, or in English, and be signed by the Collector after being read over and being explained, if necessary, to the witness. It shall be lawful for the Collector to call for any additional evidence or documents, and to summon any additional witnesses necessary to elucidate the case.

64. The record of the suit shall comprise the plaint, such summonses as may have been issued or copies of them, the examination of the Plaintiff or his authorized agent, the statement taken from the Defendant or his authorized agent, or any written statement which the Defendant may have filed, the evidence of the witnesses, and a list of the documents filed. Such documents, when retained by the Collector, shall be included in the record.

65. Proceedings of Collector under this Act shall be summary, and if, on the presentation of a plaint, the Defendant be present, it shall be lawful for the Collector to proceed at once with the investigation of the suit.

66. The Collector may, in any case, grant time to the Plaintiff or Defendant to proceed in the prosecution or defence of a suit, and may also, for any sufficient reason to be recorded by the Collector, adjourn the hearing in such manner as to him may seem fit.

67. The Collector may, at any stage of a case, cause a local enquiry and report respecting the matter in dispute to be made by any officer subordinate to him. Such report, with the evidence and documents upon which it is founded, shall form a part of the record of the suit, and shall be considered by the Collector in passing his judgment.

68. On the hearing of the case being completed, the Collector shall pronounce judgment. The judgment shall be written by the Collector in English, and shall contain the reasons for the same, and shall be dated and signed by the Collector at the time when it is pronounced. A copy of the Collector's judgment, and a translation thereof in the vernacular language of the District,

shall be given to each of the parties, on application, free of charge.

69. A regular appeal shall lie to the Zillah Judge, from all judgments passed by a Collector under this Act ; provided that the appeal be presented to the Zillah Court within 30 days from the date of the Collector's judgment. But no judgments of a Collector under this Act shall be set aside for want of form, or for irregularity in procedure ; but upon the merits only.

Appeal within 30 days.

To be only upon the merits.

70. The Collector may at once issue his warrant for executing his judgment, provided that no damages, penalties, or costs which may have been awarded shall be levied, nor shall any tenant be ejected under the provisions of this Act, until the expiration of the 30 days allowed for an appeal. Provided also, that process of execution shall not be issued simultaneously against both the person and property of a judgment debtor. All awards under the judgment of a Collector shall be leviable in the same way as arrears of revenue.

71. When a judgment is given for the delivery of a Puttah, if the person required by the decree to grant such Puttah refuse or delay to grant the same, the Collector may grant a Puttah under his own hand and seal, in conformity with the terms of the judgment, and such Puttah shall be of the same force and effect as if granted by the person aforesaid.

Delivery of Puttah how enforced.

72. When a judgment is given for the delivery of a Muchilka, if the person required by the decree to execute such Muchilka shall refuse to execute the same, the judgment shall be evidence of the amount of rent claimable from such person, and a copy of the judgment under the hand and seal of the Collector shall be of the same force and effect as a Muchilka executed by the said person.

Delivery of Muchilka how enforced.

73. If the judgment be for the ejectment of a tenant, or for the reinstatement of any tenant in the occupancy of land from which he has been ejected, the

Delivery of possession.

judgment shall be executed by giving the possession or occupancy of the land to the person entitled by the judgment to such possession or occupancy. If any opposition is made to the execution of the order for giving such possession or occupancy by the party against whom the order is made, or by others, the Magistrate shall, on application, give effect to the same.

74. The provisions of Chapter VI (relative to arbitration) of the Code of Civil Procedure, shall apply to summary suits preferred to Collectors under this Act. When a Collector refers a suit to arbitration under this Section, he shall be empowered to execute the decision of the arbitrator or arbitrators as if it had been passed by himself.

Reference to arbitration.

Exemption from Stamp Duties.

75. Summary suits brought before Collectors under this Act shall be exempt from Stamp Duties.

76. In proceedings under this Act, no judgment of a Collector, and no order passed by him after decree and relating to execution thereof, shall be open to revision otherwise than by appeal to the Zillah Court, except as allowed in Section 58.

No revision except by appeal or under Section 58.

77. Every Collector shall keep a Register, in the following form, of the summary suits heard and decided by him :—

No of suit.	Date of plaint.	Abstract of plaint.	Abstract of defence.	Date and abstract of judgment.
----------------	--------------------	------------------------	-------------------------	--------------------------------------

78. Nothing in this Act contained shall be construed to debar any person from proceeding in the ordinary tribunals to recover money paid, or to obtain damages in respect of any thing pro-

All ordinary rights of action saved.

fessedly done under the authority of this Act, provided that Civil Courts shall not take cognizance of any suit instituted by such parties for any such cause of action, unless such suit shall be instituted within six months from the time at

Limitation of time.

which the cause of action arose. Provided also, that no action shall lie against any Revenue authority for issuing such warrants as are mentioned in Sections 41 and 45, where the necessary statement has previously been made, even though such statement should prove to be false ; nor in any case against a Police officer who executes any warrant, or assists in any process permitted by this Act, when directed to do so by an authority whom he is bound to obey.

79. Landholders are authorized to delegate to their agents, or assignees, all the powers given to them by this Act, and any persons injured by such agents, or assignees, shall be allowed to sue either them or their principal, or both ; provided always, that the principal shall in no case be liable to imprisonment, nor to any greater damages than the plaintiff has actually suffered, where the act complained of was committed by his agent or assignee and was not sanctioned by him.

Landholders may delegate their powers under this Act.

80. The heirs or legal representatives of persons who are authorized by this Act to proceed summarily for arrears of rent shall have the same authority to institute or continue such proceedings as was possessed by those whom they represent, whether the arrears in question accrued while they were legally entitled to the land or previously ; and notice shall be given to the Collector, or other officer empowered in that behalf, of the first step taken by them under this Section.

Heirs may proceed for arrears.

81. Tenants shall be entitled to receipts from landholders for all discharges made in money or in kind ; and where they may have paid the whole rent, they shall be entitled to receipts in full. Persons to whom receipts are refused may, on proving such refusal in a summary suit before the Collector, recover damages not exceeding twice the sum paid with costs.

Refusal to grant receipts.

82. On an application being received from any landholder, the Collector, or officer empowered by the Collector in that behalf shall be authorized, provided he sees due cause for such a measure, to order the tenant to furnish security for the amount payable by him, before he cuts and removes the crops or produce; and if the tenant fails to furnish such security, the Collector, or officer empowered by the Collector in that behalf, shall be authorized to make over to the applicant such a portion of the crops or produce as is equal to the amount of his demand.

83. When any landholder who is entitled to receive a portion of the crop as rent complains that the crop was cut without his knowledge or presence, and that the portion tendered to or left for him is insufficient, it shall be lawful for the Collector, on a summary suit being filed, to investigate the case and pass a judgment directing the tenant to pay to him such an additional quantity of grain or produce, or its equivalent value, as may appear equitable. Such an award shall not bar or affect any penalty or punishment to which the tenant may have made himself subject under the provisions of Chapter XVII of the Indian Penal Code, for cutting the crop without the landlord's knowledge and assent.

84. Landholders shall be empowered to proceed under this Act against a tenant or his security, or against both, so nevertheless that no more than the total sum in arrears and interest with costs and charges, shall be realized from both.

85. Managers of estates of disqualified landholders, and Public officers holding lands in attachment for arrears of Government Revenue, or under the order of a Civil Court, shall have authority to proceed against tenants for arrears of rent in the same manner as the landholders, to whom the estates or lands under their charge belong, might themselves have proceeded under the provisions of this Act, and may exercise all the powers conferred by this Act on landholders, and shall be

Clandestine removal of crop.

Landholder may proceed against tenant, or his security, or both.

Powers of Managers of Estates, and officers holding under attachment.

subject to the same restrictions so long as the estates and lands remain under their management.

86. All farmers of public revenue are authorized to proceed against their sub-renters for arrears of rent under the provisions of this Act, if they shall have taken written engagements from such sub-renters specifying the amount of rent to be paid by them.

Farmers of public revenue may proceed under this Act against sub-renters if there be written engagements.

87. Except as hereinbefore provided to the contrary, landholders and others shall be at liberty to file suits in the Civil Courts for arrears of rent or revenue due to them, when they may see fit to do so. But in the decision of suits regarding rates of rent, the Courts shall be guided by the provisions of this Act.

Act not to prevent landholders or others from filing suits in Civil Courts for arrears of rent or revenue.

88. Nothing in this Act shall apply to the collection of rent or revenue within the limits of the Town of Madras as defined by Section 12, Regulation II of 1802, of the Madras Code.

Scope of the Act.

89. The following Regulations are hereby repealed, except in so far as they rescind other Acts and Regulations, or parts of other Acts and Regulations, and except as to any proceedings, or matters which shall have taken place before this Act comes into force :

Regulations repealed.

Regulation 28 of 1802.

„ 30 of 1802.

„ 2 of 1806, Sections 4 & 6.

„ 5 of 1822.

„ 1 of 1826.

90. This Act shall take effect from such date as the Government of *Fort St. George* shall fix, by an order to be published in the Official Gazette.

ACT No. IX. OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

(Received the assent of the Governor on the 28th August 1865, and of the Governor-General on the 3rd October 1865.)

An Act to amend the Law relating to the appointment of Municipal Commissioners for the Town of Madras and the management of its Municipal affairs, and to make better provision for the Police, Conservancy, and Improvement of the said Town, and to enable the said Commissioners to levy taxes, tolls, and rates therein.

WHEREAS it is expedient to amend the Law relating to the
 Preamble. appointment of Municipal Commissioners
 for the Town of Madras and the manage-
 ment of its Municipal affairs, and to make better provision for the
 Police, Conservancy and Improvement of the said town, and to
 enable the said Commissioners to levy taxes, tolls, and rates
 therein ; It is enacted as follows :—

1. Act XIV of 1856 (*for the conservancy and improvement of
 the Towns of Calcutta, Madras, and Bombay*)
 Laws repealed. and Act XXV of 1856 (*to comprise in one
 Act the provisions necessary for the assessment and collection of Muni-
 cipal rates and taxes in the Towns of Calcutta, Madras, and Bombay*)
 so far as they relate to the Town of Madras ; and Act XXVI of
 1856 (*for appointing Municipal Commissioners for, and levying rates
 and taxes in, the Town of Madras*) are hereby repealed respectively,
 except so far as they repeal the whole, or any part, of any other
 Act, and except as to any assessment which shall have been
 made, or to any act or offence which shall have been done or
 committed, or to any fine or penalty which shall have been
 incurred, or to any money which shall have become due, or to
 any proceedings which shall have been commenced before this
 Act shall come into operation. Any sum of money due, or
 which may become due, under any or either of the said Acts,

may be levied and recovered by the Municipal Commissioners under the provisions of this Act.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

Interpretation.
 "Town." The word "Town" shall include all places within the local limits of the ordinary original civil jurisdiction of Her Majesty's High Court of Judicature at Madras.

"The Municipal Commissioners." The expressions "The Municipal Commissioners" and "the Commissioners" shall mean the persons appointed by the Governor in Council to conduct the affairs of the Municipality of Madras under this Act.

"Street." The word "street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, pyall, verandah or other erection or structure as may be between the roadway and the main wall of any house or houses adjacent thereto, and also the roadway over any public bridge or causeway, within the town; and the expression "in or near any street" shall designate any place within the town. Provided that nothing in this Section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Land." The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

"Month." The word "Month" shall mean calendar month.

"Oath." The word "Oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Owner." The word "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used,

whether on his own account, or as agent, or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises, as agent for another person, shall be liable to make any outlay by this Act required to be made by the owner of such land or premises, in excess of the amount of the funds of the owner which he may have in his possession ; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

“ Person.”

The word “ Person” shall include any association or* body of persons, whether incorporated or not.

Words importing the singular number shall include the plural number ; and words importing the plural number shall include the singular number.

“ Number.”

Words importing the masculine gender shall include the feminine.

“ Gender.”

3. There shall be six Commissioners for the purposes of this Act. Three of the said Commissioners shall be paid Commissioners, and their pay and allowances shall be fixed and regulated as in this Act provided, and three shall be

The Municipal Commissioners to be six in number, and to be a for the purpose of this Act.

unpaid. The three paid Commissioners shall

be appointed by the Governor in Council, and shall be removable at his pleasure. The three unpaid Commissioners shall be selected from the resident inhabitants of the town of Madras ; they shall be appointed by the Governor in Council, and shall each hold office for three years, subject to removal for misconduct, and shall be eligible for re-appointment. The Commissioners shall be styled, “ The Municipal Commissioners for the Town of Madras.”

4. The Municipal Commissioners shall have and use a common seal, and shall have their name engraved thereon in legible characters in the English language. And all contracts entered into in respect of any sum exceeding one hundred Rupees shall be in writing, and shall be sealed with the common seal of the Commissioners. All such contracts shall be varied or discharged in a similar manner.

have
seal.

5. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects,

All the property and rights of action of the present Municipal Commissioners, vested in the new Municipal Commissioners.

securities, and monies, whether derived under Statute 33, George III, Chap. 52, Section 158, or Act VIII of 1851, or Acts XIV, XXV or XXVI of 1856, and other property, movable and immovable, of what nature or kind so ever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the date on which this Act shall take effect, be vested in, or held in trust for the Municipal Commissioners appointed under the said Act XXVI of 1856, who shall hereafter in this Act be designated the late Municipal Commissioners, or which would have been vested in or held in trust for such Municipal Commissioners but for the passing of this Act, and all such estate and interest of and in the same respectively, as shall then be or would have been in, or in trust for, the said Municipal Commissioners or any of them, with all rights of way and other rights and easements now used and enjoyed by the said Municipal Commissioners, shall, on and from the date when this Act comes into operation, be vested in the Municipal Commissioners appointed under this Act and their successors, and all persons who shall then owe any money to the late Municipal Commissioners or to any person on their behalf, shall pay the same to the Municipal Commissioners appointed under this Act or as they shall direct : and all monies which shall be then due, and owing by, or recoverable from the late Municipal Commissioners, shall be paid by or be recoverable from the Municipal Commissioners ; and all contracts, agreements, mortgages, bonds, covenants and securities made or entered into before this Act comes into operation, to, with, or in favor of, or by or for the said late Municipal Commissioners, or any previous Municipal Commissioners for the town of Madras, or any of them, or any person on behalf of such late Municipal Commissioners respectively, and all rights of action and suit arising out of contract or otherwise, shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to, the Municipal Commissioners, in such manner as the same would have taken effect, and might have been proceeded on and enforced in favor of, by

against, and with reference to, the said late Municipal Commissioners respectively, or any of them, if this Act had not been passed.

6. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the late Municipal Commissioners previously to the coming into operation of this Act, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect, both in favor of and against the Municipal Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Municipal Commissioners, or any of them, if this Act had not been passed : and all decrees and orders made, and all fines and penalties imposed and incurred respectively, previously to the coming into operation of this Act, shall, and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings, commenced previously to the coming into operation of this Act, shall, and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Municipal Commissioners under this Act, being, in reference to the matters aforesaid, in all respects substituted for the late Municipal Commissioners.

7. All monies received by the Municipal Commissioners by virtue of this or any other Act, all fines, fees, and penalties, paid to or levied by them, under this Act, and all monies which may be assigned by Government for purposes of conservancy or improvement in the town shall constitute a Fund, which shall be called the Municipal Fund of Madras, and shall, together with all property of what nature or kind soever which may become vested in the Commissioners, be under the direction, management, and control of the Commissioners in the manner hereinafter provided, and shall be held and applied by them as trustees for the purposes of this Act.

8. The Governor in Council shall, from time to time, nominate one of the paid Municipal Commissioners appointed under this Act to be President of the Board of Commissioners. Such President shall be removable from office by the Governor in Council at his pleasure.

9. The President and paid Municipal Commissioners may respectively receive such salaries, out of the Municipal Funds, as shall, from time to time, be fixed by the Governor in Council: Provided that the salary for any such Commissioner shall not exceed twelve thousand Rupees a year, if the Commissioner holds no other appointment or occupation, or six thousand Rupees a year, if he holds any other appointment or occupation.

10. The Governor in Council may grant such leave of absence to any President or paid Commissioner appointed under this Act as he shall think fit, and in any case in which leave of absence shall be granted to any President or paid Commissioner, the Governor in Council may appoint some person to act as President or Commissioner in his place, or may make such arrangements for the carrying on the duties of his office, during his absence on leave, as shall to him seem proper. And the Governor in Council shall, out of the funds applicable to the purposes of this Act, direct the payment to any President or Commissioner aforesaid of such allowance, during absence on leave, as shall to him seem proper. Provided that no greater expenditure from the said funds shall be in any case incurred on the whole, by reason of any allowance paid under this Section, than would have been incurred had no leave been granted.

11. The Municipal Commissioners may, from time to time, appoint all such officers as they shall think necessary and proper to assist in the execution of this Act, and may, from time to time, remove any of such officers, and appoint others in their place, and, out of the funds applicable to the purposes of this Act, may pay such salaries to the said officers respectively as the Commissioners shall think reasonable. Provided that no person shall be appointed to, or removed from, any office, the monthly salary of which exceeds two hundred Rupees, without the sanction of the Governor in Council.

12. *Clause 1.*—No President, Commissioner, or officer, or servant of the Commissioners, shall be in any wise concerned or interested in any contract or work, made with, or executed

Salaries of the President and paid Municipal Commissioners.

The Governor in Council to grant leave of absence, &c., to President or any of the paid Municipal Commissioners.

Commissioners to appoint officers.

Penalty on Officers, &c., being interested in contracts, &c.

for the Commissioners. If any President, Commissioner, or other officer, or servant, be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment in or under the Commission, and shall forfeit the sum of five hundred Rupees which may be recovered by suit, by any person, with full costs of suit. Provided that no person, being a shareholder of any Joint Stock Company established by, or under the provisions of, any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as a Commissioner or other officer, or servant, by reason of any contract between such Company, and the Commissioners, or of any work executed by such Company.

Clause 2.—If any person employed in or under the Commission, not being a public servant within the meaning of Section 21, of the Indian Penal Code, shall accept, or obtain, or agree to accept, or attempt to obtain from any person, for himself, or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or dis-favor, to any person, or for rendering or attempting to render any service or dis-service to any person, with the Commissioners, or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous, for a term which may extend to three years, or with a fine not exceeding five thousand Rupees, or with both.

Commissioners to provide an office. **13.** The Commissioners shall provide and keep an office within the town for the transaction of business.

Meetings of Commissioners. **14.** The Municipal Commissioners shall meet at least once in every week. The attendance of two Commissioners, one of whom shall be a paid Commissioner, shall be necessary to constitute a meeting. If, at any meeting, at which the President is not present, the Commissioners are equally divided in opinion on any question, the determination of such question shall be reserved for a future meeting, and at least six day's notice thereof

shall be given to each Commissioner. In all cases of equality of votes, the President shall have a casting vote, in addition to his vote as a Member of the Commission. .

15. Minutes of the Proceedings of all meetings of the Commissioners shall be drawn up, and fairly entered in a book to be kept for the purpose, and shall be signed by the Commissioners present after each meeting ; and the said Minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any rate or tax-payer without charge.

Minutes of Proceedings to be kept and to be open for inspection.

16. The Commissioners may enter into contracts, in manner hereinbefore provided, with any person, for the execution of any works directed or authorized by this Act to be done by the Commissioners, or for any other things necessary for the purposes of this Act.

Mode of contracting by, and on behalf of the Commissioners.

17. On or before the first day of October in each year, the Commissioners shall submit to the Governor in Council an estimate of the income and expenditure of the Municipality for the year commencing on the 1st of January then next succeeding, prepared in such detail and form as the said Governor in Council may direct, which estimate shall be published in the Official Gazette.

Commissioners to submit an estimate of income and expenditure.

18. It shall be competent to the Governor in Council to pass, or to reject, or modify all or any of the items entered in the estimate, provided that no modification shall be made inconsistent with the provisions of this Act. No new work or series of works, not provided for in the estimate, as sanctioned by the Governor in Council, the estimated cost of which exceeds one thousand Rupees, shall be commenced without the sanction of the Governor in Council previously obtained.

Estimate to be sanctioned by the Governor in Council.

19. The Commissioners shall, as soon after the first day of January in every year as may be practicable, prepare a detailed statement, showing the nature and amount of the receipts and

audit-

disbursements on account of the Municipal Fund for the past year, and also a report of their proceedings during that year ; and such statement and report shall be printed and published for general information. The accounts of the Municipal Commissioners shall be audited annually by such person as the Governor in Council shall appoint.

Taxes, Tolls, and Rates leviable under this Act.

20. It shall be lawful for the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, taxes on carriages, carts, horses and other animals as described in Schedule A to this Act annexed ; or fees upon the registration of carts ; or tolls on carriages, carts, and animals entering the Municipal limits ; or a tax upon arts, professions, trades or callings ; or rates which may consist of a rate not exceeding ten per cent. on houses, buildings, and lands, according to the annual value thereof. It shall be lawful for the Commissioners, with the approval of the Governor in Council, to raise the funds required for the purposes of this Act, from all or any one or more of the above sources as they shall decide. And the Commissioners may exempt, in whole or in part, from the payment of any rate or tax under this Act, any person who, by reason of poverty, may be unable to pay the same.

Taxes on Carriages, Horses, and other Animals.

21. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, taxes on carriages, horses, and other animals, such tax shall be levied as provided in Sections 22 to 30 of this Act.

22. A tax, at a rate not exceeding the rates specified in Schedule A to this Act annexed, shall be imposed upon every carriage, horse, poney, mule, ass, dog, bullock, male buffalo, camel, and elephant kept within the town, and shall be payable in advance. Provided that this Section shall not apply to, or include, Gun-carriages, Ordnance carts or wagons : Cavalry horses, or horses of the

Mounted Police : horses and carriages belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse and one carriage for each Officer; horses, ponies, or mules belonging to the Government, or to the Commissioners; vehicles kept for sale and not used for any other purpose, if the property of and kept by *bond fide* dealers in such vehicles.

23. The owner of every carriage, horse, poney, mule, ass, dog, bull, bullock, male buffaloe, camel, and elephant kept within the town, shall, within one month from the date on which the approval of the Governor in Council, in Section 21 mentioned, shall have been notified in the *Fort Saint George Gazette*, and shall thenceforward, on or before the 1st day of May and the 1st day of November in each year, send to the office of the Commissioners a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax, for which he desires to take out a license. The owner shall, at the same time, pay to the Municipal Commissioners the half-yearly taxes payable by him, according to the rates given in Schedule A to this Act annexed. Any person becoming possessed, between the first day of May and the first day of November, or between the first day of November and the first day of May, of a carriage or animal so kept, shall, within thirty days of becoming so possessed, send to the office of the Municipal Commissioners, a similar statement, together with the full amount payable for the then current half-year, according to the said Schedule. Provided always that no person shall be liable to be taxed under this Section for any carriage or animal which shall have been in his possession for thirty days only, or any less period in any half-year.

24. On receiving the amount of the taxes as aforesaid, the Commissioners, or some person duly authorized by them in that behalf, shall give to the person paying the same, a license for each of the vehicles and animals for the period in respect of which the money is received. The owner of every carriage and animal aforesaid, who shall have received a license for the same, shall, at all reasonable times, during the said period, be bound, under a penalty in default thereof not exceeding five Rupees, to pro-

Owners of carriages, &c.,
to take out license.

On payment of the tax,
the Commissioners to
give a license.

duce such license, when called upon to do so by the Commissioners or any person duly authorized in writing by them to demand its production.

25. If the owner of any carriage, or animal so kept as aforesaid, shall not have duly taken out a license under the last preceding Section, he shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty Rupees.

Penalty for keeping a carriage, &c., without having a license.

26. All carriages kept for the purpose of being let out for hire, by the day or trip, shall bear a registration number in such manner as the Municipal Commissioners shall direct; and any owner of such carriage, who shall fail to affix the registration number assigned to such carriage, shall be liable to a fine not exceeding ten Rupees.

Carriages kept for hire to bear a registration number.

27. The Commissioners, at their discretion, may compound for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages, or animals aforesaid, for hire, for a certain sum to be paid for the carriages, or animals, so kept by such persons, in lieu of the taxes specified in Schedule A. And if any person, having so compounded, shall refuse to pay the sum compounded for, on the demand of the Commissioners, he shall, on conviction before a Magistrate, be liable to a fine not exceeding three times the amount so payable.

The Commissioners may compound for carriages with livery stable-keepers and others.

28. Whenever the owner of a carriage or animal, as aforesaid, let out for hire and kept for the time being in premises situated within the town, shall not reside in the town, the tax due for such carriage, or animal, shall be recoverable from the person in whose premises it is for the time being kept.

Carriages, &c., let for hire within the town, liable to the tax.

29. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners, and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons who, during the then current period of six months,

List of persons licensed under Section 23 to be entered in a book.

shall have received a license under Section 23 of this Act, and of the vehicles and animals in respect of which they may have paid.

30. It shall be lawful for the Commissioners, or any persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under Section 22 of this Act, for which a license has not been duly taken out; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under the said Section, or any servant of such person, and may examine such person or servant as to the number and description of the carriages or animals, in respect of which such person is liable to be taxed. Whoever being so summoned shall, without lawful excuse, fail to appear in pursuance of the summons, and whoever hinders or obstructs the Commissioners or any person appointed by them as aforesaid from or in entering or inspecting any such stable, coach-house, or place, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred Rupees.

Power to inspect stables, &c., and to summon persons believed to be liable to the payment of the tax.

Registration of Carts and other vehicles without springs.

31. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, fees for the registration of carts and other wheeled vehicles without springs, such registration shall be made and fees levied as provided in Sections 32 to 34 of this Act.

Registration of carts, &c., to be made as provided for.

32. Every cart, and other wheeled vehicle without springs, kept within the town, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall bear the number of such registration in such manner as the Commissioners shall direct. Provided that this Section shall not apply to, or include Gun-carriages, Ordnance carts or wágons, the property of Government, or conservancy carts, or other such vehicles belonging to the Commissioners.

Registry and numbering of carts, &c.

33. The registration of carts, and other vehicles under the

last preceding Section, shall be made and
 Fee for registration. the numbers assigned half-yearly, upon such days as the Municipal Commissioners shall notify; and such fee as they shall fix, not exceeding two Rupees, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January, of any such cart or other vehicle which has not been registered for the then current half-year, shall, within fifteen days of becoming so possessed, register the same; and the Commissioners shall grant registration in every such case, on payment of the fee for the current half-year. When any registered cart, or other vehicle, is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration. The register of carts and other wheeled vehicles without springs shall be open to public inspection at all reasonable times without charge.

34. Whoever owns or keeps any cart, or other wheeled vehicle not on springs, required by this Act to be registered, without having caused the same to be registered under the last preceding Section, or shall fail to affix thereto the registration number prescribed in Section 32, shall be liable, on conviction before a Magistrate, to a fine not exceeding ten Rupees: and the Commissioners, or any Officer duly authorized by them, may seize, or cause to be seized, any such cart, or other vehicle, (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods,) together with the horses, bullocks, or other animals drawing the same, and may detain them: and all Police Officers are hereby required, on the application of the Commissioners or other Officers as aforesaid, to seize and detain the same. If the person owning or keeping such cart, or other vehicle, shall be convicted before a Magistrate under this Section, and ordered to pay a fine, and if the vehicle seized be not claimed, and the fine be not paid, within ten days, such vehicle, together with the animals seized with it, (if any,) may be sold by auction by order of the Com-

Penalty for not registering a cart or other vehicle.

missioners, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale ; and the surplus (if any) if not claimed by the owner or the person keeping such cart, or other vehicle, within a further period of twenty days, shall be forfeited to the Commissioners.

Tolls payable for Carriages and other Vehicles, and for Animals entering the Town.

35. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, tolls on carriages, carts, and animals entering the Municipal limits, such tolls shall be levied as provided in Sections 36 to 42 of this Act.

Tolls for carriages, &c., to be levied as provided for.

36. Tolls at the rates mentioned in Schedule B annexed to this Act shall be levied upon all carriages, carts, horses, and other animals entering the Municipal limits, and the Commissioners may construct toll bars and gates, and gatekeepers' stations, and may place the collections of such tolls under the management of such persons as may appear to them proper, or may farm out the same, and shall frame Bye-Laws for the guidance of such Toll Collectors ; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this Section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners : and provided also, that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours, counted from midnight to midnight.

37. In case of non-payment of any such toll on demand, the Officers appointed to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll, and if any toll, together with the cost arising from such seizure, remains undischarged for

In case of non-payment of toll, vehicle, &c., may be seized.

forty-eight hours, the Municipal Commissioners may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure, and sale. Any balance that may remain shall be returned, on demand, if made within six months, but not otherwise, to the owner of the property. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice that, after the expiration of two days, exclusive of Sunday, they will sell, at such place as they may state in the notice, the property by auction. Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender to the Commissioners, or other Officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

38. No tolls shall be paid for the passage of Troops, and Military stores and equipages on their march, or of Military or Police Officers on duty, or of any person or property in their custody ; but no other exemption from payment of the tolls levied under this Act shall be allowed.

39. It shall be lawful for the Municipal Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the Municipal limits, and the Commissioners shall issue licenses for such carriages, carts, or animals, and, while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the Municipal limits, provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

40. In all cases of resistance to the lawful authority of the Toll Collectors, all Police Officers shall be bound to assist the Toll Collectors, when required ; and, for that purpose, they shall have the same power which they have in the exercise of their ordinary Police duties.

41. Every person, other than persons appointed to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully or extortionately demand or take any other or higher toll than the lawful toll, or, under color of this Act, seize or sell any property knowing such seizure and sale to be unlawful, or in any manner extort money or any valuable thing from any person under color of this Act, shall be deemed to have committed the offence of cheating or extortion as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

42. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or painted in English words and figures, and in the Tamil, Telugu, and Hindustani languages, shall be put up in a conspicuous place near such gate or station.

Tax on Arts, Professions, Trades, and Callings.

43. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, a tax on Arts, Professions, Trades, and Callings, such tax shall be levied as provided in Sections 44 to 47 of this Act.

44. Every person who shall within the town exercise any of the arts, professions, trades, or callings specified in Schedule C and callings in the town, to pay a tax in respect thereof, pay, in respect thereof, such annual sum as may be approved by the Governor in Council, not exceeding the rates mentioned in the said Schedule C. Such annual sum shall be payable in two equal half-yearly instalments, of which the first shall be payable on or before the 1st day of June, and the second on or before the 1st day of December in each year.

45. The Municipal Commissioners shall determine under which of the classes mentioned in Schedule C to this Act annexed, every person liable to be taxed as aforesaid shall be assessed; and shall, from time to time, declare what

are to be considered bazaars or public markets within the meaning of this Act.

46. A person who carries on several kinds of business, and may come under more than one of the designations in the Schedule, shall be chargeable only under one designation chargeable only under one of such designations at the discretion of the Municipal Commissioners.

47. On or about the first day of May in every year, the Municipal Commissioners shall prepare a list of the persons to be taxed under this Act for the ensuing year ; which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum payable by him ; and such list shall be filed in the office of the said Municipal Commissioners, and shall be open to public inspection at all reasonable times.

Rates to be levied on houses, buildings, and lands.

48. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, rates on houses, buildings, and lands, according to the annual value thereof, such rates shall be levied as provided in Sections 49 to 62 of this Act.

49. An annual rate, not exceeding ten per centum of their annual value, may be imposed by the Commissioners upon all houses, buildings, and lands in the town, and shall be assessed in the manner hereinafter described : Provided that it shall be at the option of the Commissioners,

in lieu of such rate, to levy upon any lands unappropriated to any building or premises, or upon any native huts with their appurtenances, a fixed annual rate not exceeding four Rupees for every ground occupied by them respectively. Any rate levied under this Section shall be due and payable by the owners of the said houses, buildings, lands, and huts, respectively, from and after the end of the first quarter of the year. The Commissioners may exempt from assessment any house, building, or land

the annual value whereof is less than fourteen Rupees, if the same be the sole rateable property of the owner.

50. Houses, buildings, and lands situate in Fort Saint George, and buildings ordinarily used as places of public worship, shall not be liable to any rate under the last preceding Section.

Exemption of Fort Saint George and build-

51. When any house shall have been vacant for sixty consecutive days during any year, the Commissioners shall remit so much, not exceeding one-half of the rate of that year, as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his Agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Remission on account of vacant houses.

52. The estimated gross annual rent at which houses, buildings, and lands, liable to the rate or rates imposed under this Act upon houses, buildings, and lands according to the annual value thereof, might reasonably be expected to let from year to year, shall, for the purposes of the rates leviable under this Act, be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or building so estimated shall not include the value of any machinery contained therein.

Annual value of houses, buildings, and lands how to be ascertained.

53. The annual value at which lands, houses, buildings, or huts with their appurtenances, are to be assessed, or the area on which they are to be rated under this Act, shall be fixed by the Commissioners, and such lands, houses, buildings and huts with their appurtenances, shall be assessed or rated upon the value or the area so fixed, and, for such purpose, the Commissioners may divide the town into such and so many districts as they may think fit, and may proceed to make a separate valuation or measurement district by district.

Annual value to be assessed by the Commis-

54. The annual value assessed, or the area fixed by the Commissioners as hereinbefore provided, shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written, in distinct columns, the name of the owner of the property ; or if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier, designation of the property, either by name or number sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed or fixed thereon.

Value assessed, owner's name, &c., to be entered in a book.

55. The valuation which, at the date of this Act coming into operation, shall stand entered in the book kept at the office of the Municipal Commissioners under Section 5 of Act XXV of 1856, shall be taken to be the first valuation made under this Act, until such time as the Commissioners shall have caused a new valuation or measurement to be made.

Valuation now standing in the book of the Municipal Commissioners to be taken as the first under this Act till new one be made.

56. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceeding under this Act, as the "owner" or the "occupier" of the property on which the rate is assessed, without further description.

Owner or occupier how to be designated, if his name be unknown.

57. In order to enable the Commissioners to arrive at a fair valuation or measurement of any house, building, or land liable to the rate, it shall be lawful for the Commissioners to require the owner or occupier of such house, building, or land, to furnish them with returns of the measurements, and of the rent, or annual value thereof, and, for the like purpose, it shall be lawful for the Commissioners, or any person or persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect, and measure such house, building, or land, after having given forty-eight hours' previous notice in writing of such their intention to the occupier thereof ; and whoever refuses or

Returns may be required for purpose of valuation.

Power to enter houses, &c.

fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house, building, or land, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

58. When the valuation and measurement of any of the districts of the town, into which it may have been divided under Section 53 of this Act, shall have been completed, the Commissioners shall give public notice thereof, and of the place where the said book containing the valuation and measurement and the rate assessed, or a copy of the said book, may be inspected, by advertisement in the Government Gazette, and in one or more of the daily English newspapers, and in one or more vernacular newspapers published in Madras, also by placards posted up in conspicuous places throughout such district of the town ; and the person in whose custody such book may be shall permit every person claiming to be the owner or occupier of property included in the assessment or measurement, or the Agent of such owner or occupier, to inspect the book, and to make extracts therefrom without payment of any fee ; and every person who does not claim to be such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one Rupee.

59. The Commissioners shall, at the time and in the manner in the preceding Section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation or measurement and assessment ; and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed, is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation or measurement and assessment shall be made to the Commissioners, by application in writing left at their office three days before the

day fixed in the said public notice for the revising of the said valuation or measurement and assessment ; and, upon hearing such appeals, the Commissioners shall make such amendments, if any, in the said assessment and in the said book, as they shall think proper.

60. After the appeals have been inquired into, and after the revision of the valuation, or measurement and assessment, has been completed, the amendments, if any, made in the said book, shall be authenticated by the seal of the Commissioners, who, at the same time, shall certify that no valid objection has been made to the valuation and assessment in the said book entered, except in the cases in which amendments have been made as shown therein ; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the year for which the assessment is made, and this period shall be calculated from the commencement of the year in which such revision has been carried out.

Authenticated by seal of the Commissioners.

Rate assessed to be deemed the rate for one year.

61. Provided always, that the Commissioners may, at any time, amend the said book, by inserting therein the name of any person whose name ought to be so inserted, or by inserting any property liable to the rate, after giving notice to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made ; or by striking out the name of any person or any property not liable to the rate, or reducing the amount of the rate, without notice ; and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice ; and any person interested in such amendment may appeal, by application in writing, to the Commissioners, left at their office three days before the day fixed in the said notice for such amendment.

Alteration or amendment of assessment.

62. It shall not be necessary to prepare a new book every year,

New assessment book
need not be prepared
every year.

but the Commissioners may adopt the valuation or measurement and assessment contained in the book for the past

such alteration as may, in particular cases, be deemed necessary,

Proviso.

as the valuation or measurement and assessment for the year next following. Provided

always, that public notice of such valuation or measurement and assessment shall be given in the manner prescribed in Section 58 of this Act; and the provisions of that and the three following Sections shall be applicable to the said valuation or measurement and assessment, and to the book or books in which it is contained.

Appeals.

63. Appeals against any rate or tax, assessed or demanded

Hearing of appeals.

by the Commissioners under the provisions of this Act, shall be heard and determined

by two Magistrates. But no such appeal shall be heard unless the amount of the rate or tax has been deposited with the Commissioners; and no appeal against a rate assessed by the Commissioners under Section 49 shall be heard, unless complaint has been previously made to the Commissioners as hereinbefore provided. Provided that such Magistrates may, if they shall think fit, state a case for the opinion of the High Court.

64. Every such appeal shall be commenced within thirty days

Time of appeal.

after the accrual of the cause of complaint;

which shall, in respect of any rate, be deemed to accrue on the date of the certificate of the Commissioners in the assessment book, or, in case of any subsequent amendment of the said book under the provisions of Section 61, upon the receipt, by the person aggrieved, of notice of such amendment; and in respect of any tax, the cause of complaint shall be deemed to have accrued from the date upon which such tax has been fixed.

65. The assessment by the Commissioners of any rate or tax,

Assessment by Commissioners when to be final.

when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two preceding Sections,

shall be final and conclusive.

Collection of Rates and Taxes.

66. When any rate or tax is due, the Commissioners shall

Bills, to be presented. cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property or thing for which the rate or tax is charged, and also a notice of the liability incurred in default of payment.

67. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand, in the form contained in Schedule D, to this Act annexed, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Commissioners for non-payment of the

Distress. same, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house, building, or land, in respect of which a rate or tax is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form contained in Schedule E to this Act annexed, or to the like effect, to be issued for that purpose by the Commissioners. For every notice of demand under this Section, which the Commissioners shall cause to be served upon any person, a fee not exceeding one Rupee, the amount of which shall be, in each case, fixed by the Commissioners, shall be paid by such person. Such fee shall be added to the amount of the rate or tax in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate or tax may be levied.

68. The Officer charged with the execution of warrant of distress under the last preceding Section, shall make an inventory of the goods and chattels seized under any such warrant, and shall, at the same time, give a notice in writing, in the form contained in Schedule F, to this Act annexed, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

69. If the warrant is not in the meantime discharged or sus-

Sale.

pended by the Commissioners, the goods and chattels seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs ; and the surplus, if any, shall be returned, on demand, if made within six months from the day of sale, but not otherwise, to the person in possession of the goods and chattels at the time

Fees.

of the seizure. Fees shall be payable upon distrainments under this Act, according to the rates set forth in the table of fees in Schedule G.

70. The goods and chattels of any person from whom any rate or tax is due, may be distrained, wherever the same may be found, for default in the payment of the money due from such person.

Goods of defaulter, wherever found, may be distrained.

71. If the sum due on account of any rate, from the owner of any house, building, or land, remains after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises ; and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him. Provided that no arrear of rate which has remained due from the owner of any house, building, or land, for more than one year, shall be so recovered from the occupier thereof.

occupier, and deducted by him from his rent.

72. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio*, on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction.

73. Instead of proceeding by distress and sale, or in case of

failure to realize by distress the whole or any part of the

Commissioners may
sue, instead of proceed-
ing by distress.

sum due in respect of any rate or tax, the
Commissioners may sue the person liable
to pay the same in any Court of competent
jurisdiction.

74. Every assessment bill, notice, schedule, summons, or

Service of notices, &c.

notice of demand regarding any assessment,
rate, or tax, or any money due in respect of

the same, may be presented or served personally upon the person
to whom the same is addressed, or, if he cannot be found, may
be left at his usual place of abode with some adult member
or servant of his family, or may be put up on some conspicuous
part of his usual place of abode, and shall thereby be deemed to

Proviso.

be duly presented or served. Provided that,
if the place of abode of the owner of any

house, building, or land, in respect of which a rate is assessed,
be unknown, or if the owner of any such house, building, or land
be not resident within the limits of the town, every such assess-
ment bill, notice, summons, or notice of demand, shall be deemed
to be duly presented or served, if put up on some conspicuous
part of the house, building, or land, in respect of which the rate is
assessed.

75. No assessment, and no charge or demand of a rate or tax,

made under the authority of this Act, shall
be impeached or affected by reason of any

tions of the Act are in
substance complied with.

mistake in the name of any person liable to
pay the rate or tax, or in the description of

any property or thing liable to the rate or tax, or of any mistake
in the amount of assessment, provided the directions of this Act
be, in substance and effect, complied with ; and no proceedings
under this Act shall, for want of form, be quashed or set aside in
any Court of Justice.

Mode of raising money for works of a permanent nature.

76. Clause I.—For the construction of works of a permanent

Mortgage of rates.

nature which may be undertaken under
the provisions of this Act, the Commission-

ers may, with the sanction of the Governor in Council, from
time to time, borrow, by way of debenture, on the security of

the rates, taxes, and dues imposed and levied on account of the Municipal Fund under this or any Act passed in that behalf, or of a portion of them, and at such rate of interest and upon such terms as to the time of re-payment and otherwise as the said Governor in Council may approve, any sums of money the Commissioners may require for the objects aforesaid.

Clause II.—All the debentures aforesaid, issued under the authority of this Act, shall be in the form contained in Schedule H to this Act annexed, and shall be transferable by endorsement.

Clause III.—The Commissioners may, from time to time, pay off any debt without reference to the priority of the charge.

Clause IV.—The Commissioners may, at any time, with such consent as aforesaid, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued in pursuance of this Act.

Provision for the payment of Police.

77. After the date of the commencement of this Act, the
Municipal Commissioners shall, within the
last seven days of every month, pay to the
General Treasury of the Government of
Fort Saint George, towards the mainte-
nance of the Town Police established under the provisions of Acts
XIII of 1856 and XLVIII of 1860, or any other Act, one twenty-
fourth part of the total cost thereof as annually fixed by the
Governor in Council.

Contribution towards
maintenance of the Po-
lice.

General Conservancy of the Town.

78. All public streets in the town (not being the property
and kept under the control of the Govern-
ment) existing at the time this Act comes into
operation, or which shall afterwards be made,
and the pavements, stones, and other materials thereof, and also
all erections, materials, implements, and other things provided for
such streets, and all trees growing thereon not being private pro-
perty, and the strand within the Municipal limits as far as high
water mark, shall vest in and belong to the Commissioners and
their successors.

Streets vested in the
Commissioners.

79. The Commissioners, with the sanction of the Governor in Council, may lay out and make new streets, and may build and construct bridges and tunnels ; and may turn, divert, discontinue, or close any public street, and may widen, open, enlarge, or otherwise improve, any such street ; making due compensation to the owners and occupiers of any land, houses or buildings which may be required for any such purposes.

Power to make and improve streets and close them, &c.

80. In laying out or making any new street, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-ways and foot-ways thereof, the Commissioners may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon, as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any direct or immediate damage which may be done thereby to any adjoining land or buildings of such owner.

Power to take land adjoining new streets for building purposes.

Compensation for damages to adjoining land or buildings.

81. The Commissioners may agree with the owners of any land or building for the absolute purchase thereof, for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, or for any other purpose whatever connected with the conservancy or general improvement of the town.

Power to agree for purchase of land for improving streets, or for other Municipal purposes.

82. When there is any hindrance to the acquisition by purchase of any land or building required for the purposes of this Act, the Governor in Council, upon the representation of the Commissioners, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Governor in Council, and for determining the compensation to be paid to the parties interested, accord-

Mode of ascertaining compensation for land, &c.

to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the Governor in Council may vest such land or building in the Commissioners on their paying the compensation awarded.

83. The Commissioners may sell any lands or buildings vested in them by virtue of this Act, or
or acquired by them for the purposes thereof, either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act; and for carrying such sale into effect, the Commissioners may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Commissioners.

84. Whenever any street, hereby vested in the Commissioners, shall be discontinued and closed under
Power to sell closed streets. the provisions of Section 79 of this Act, the Commissioners may sell the lands or such part thereof as shall not be required for the purposes of this Act.

85. The Commissioners shall, so far as the funds at their disposal will admit, from time to time, cause
the public streets to be maintained and repaired, and from time to time may cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered, as they may think fit; and may, also, make and
Foot-ways. keep in repair any foot-way for the use of passengers in any such street, and also, from time to time, place, on the sides of such foot-way, such fences and posts as may be needed for the protection of foot passengers.

86. The Commissioners shall cause the streets, including the foot-ways thereof, to be regularly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

87. The Commissioners may cause any number of movable
Dust boxes in streets. or fixed dust boxes, or other convenient receptacles, wherein dust, dirt, ashes, and rub-

bish may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles. Every person who, after such receptacles have been provided, and after such requisition as above-mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be liable to a penalty not exceeding ten Rupees for each offence.

88. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar or other rubbish, in any street or on the pavement, pyal, or verandah of any house, or on any ground between the house and the street, or on any public quay, jetty, ghaut, or landing place, or on any part of a river-bank whether above or below high water mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

89. Whoever causes or allows the water of any sink, sewer or privy or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any privy or cess-pool to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees for each offence.

90. The Commissioners, from time to time, may fix the hours within which only it shall be lawful to remove any night soil or other such offensive matter. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and, also, whoever, at any time, whether such hours have been fixed by the Commissioners or not, uses, for any such purpose, any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the

contents thereof or of the stench therefrom, or whoever slops or spills any such offensive matter in the removal thereof, or whoever does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or whoever places or sets down in any public place any vessel containing such offensive matter, or whoever drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be, by public notice, appointed for that purpose by the Commissioners, shall be liable to a penalty not exceeding twenty Rupees for each offence.

91. The Commissioners, from time to time, shall appoint or provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and the rubbish collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act; and, for any of such purposes, the Commissioners may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

92. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected under their orders from the streets, houses, privies, sewers and cess-pools, shall be the property of the Commissioners, who shall have power to sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall be applied to the purposes of this Act.

93. The Commissioners, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets to be watered; and for that purpose, may provide such works and engines as they may think necessary.

94. The Commissioners, so far as the funds at their disposal will admit, shall provide lamps, lamp posts and such other means as they may deem necessary, for lighting such of the public streets and roads as they

shall consider to require lighting ; and shall cause the said lamps to be kept in fit order, and shall employ a sufficient number of persons to cleanse, prepare, and light the same ; and may also, from time to time, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary.

95. Whoever builds any wall, or erects or sets up any fence,
rail, post or other obstruction or encroachment, in any public street, or in or over any open drain, sewer, or aqueduct along the side of any such street, after this Act comes into operation, shall be liable to a penalty not exceeding one hundred Rupees ; and
Commissioners shall have power to remove any such obstruction or encroachment : and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Future obstructions in streets.

Temporary obstruction on occasions of festivals, &c.

Nothing herein contained shall prevent the Commissioners, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street, on occasions of festivals and ceremonies.

96. Whoever displaces, takes up, or makes any alteration in the pavement, flags, or other materials, or in the fences or posts, of any public street, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

Taking up pavements, &c.

97. Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street ; and the level and width of every such street shall be fixed or approved of by the Commissioners ; and whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved of, shall be liable to a penalty not exceeding five hundred Rupees ; and the Commissioners may, if they think fit, cause any such street, laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved of as aforesaid, to be altered ; or may cause any building, erected in any such street otherwise than in accordance with such level and

Private persons laying out new streets.

width, to be altered, or, if necessary, removed, and the expenses thereby incurred shall be paid to them by the offender, and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month, the intended street may be laid out and made upon the level and of the width specified in the notice.

98. It shall not be lawful for any person to erect, within the town, any hut or any range or block of
Erection of new huts to be under the control of the Commissioners. on any plot or parcel of ground on which no huts are standing, without having given one week's notice in writing to the Commissioners; and the Commissioners may, thereupon, require such hut or huts to be built, so that they may stand in regular lines, with a free passage or way in front of each line, of such width as the Commissioners may think proper for salutary ventilation, and to facilitate cleansing, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built otherwise than as required by the Commissioners, the Commissioners may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Commissioners may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

99. Whenever the Commissioners are satisfied, from inspection,
Power of Commissioners as to existing huts. or by report of competent persons, that any existing block of huts in the town is, by reason of the manner in which the huts are crowded together, or of the want of drainage and the impracticability of cleansing, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the sanction of the Governor in Council, cause a notice to be fixed to some conspicuous part of such block of huts, requiring the owners, or occupiers thereof, or, at the option of the Commissioners, the owner of the land on which such huts are built, within a reasonable time to be fixed by the Commissioners, for that purpose, to execute such operations as the Commissioners, with such sanction as aforesaid, may deem necessary of such risk. And, in case such owners, or occu-

piers, or the owner of the land, shall refuse or neglect to execute such operations within the time appointed, the Commissioners may cause the said huts to be taken down, or such operations to be performed in respect of such huts, as the Commissioners may deem necessary to prevent such risk. If such huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be so effected; and the proceeds shall be paid to the owner of the hut, or, if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners, in trust for the person entitled thereto, and shall be paid to such person on proof of his right thereto, if made within three years, from date of sale, but not otherwise. The Madras Court of Small Causes shall be deemed a competent Court for the purpose of determining any question of title under this Section.

100. If any street, (not being a public street), or any part thereof, be not levelled, paved, metalled, Paving, &c., of private streets. flagged, channelled, and drained to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land or houses fronting, adjoining, or abutting, upon such parts thereof, as may need to be levelled, paved, metalled, flagged, channelled, and drained, require them to level, metal, pave, flag, channel, and drain the same within a time to be specified in such notice, and, upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein: and the expenses incurred by them in so doing shall be paid by the owners in default, according to the frontage of their respective land or houses, and in such proportion as shall be settled by the Commissioners, or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always, that after such Proviso. street shall have been so levelled, paved, metalled, flagged, channelled, and drained, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be, from time to time, repaired by the Commissioners out of the Municipal Fund.

101. The Commissioners may, upon such terms as they shall think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building, is situated.

Houses may be set forward for improving line of streets.

102. When any house or building, or any part thereof, which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the said projecting part to be set back to or towards the line of the street or the line of the adjoining houses or buildings. Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

When taken down, to be set back.

Proviso.

103. The Commissioners may, from time to time, cause to be put up or painted, on a conspicuous part of some house, building, wall, or place, at or near each end, corner, or entrance of every street, the name by which such street is to be known, and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a penalty not exceeding twenty Rupees.

Names of streets.

104. The Commissioners may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street ; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

Numbers on houses.

105. All doors, gates, bars, and ground-floor windows put up after this Act comes into operation, which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction ; and if any such door, gate, bar, or window be

Doors, &c., not to open outwards.

hung or placed so as to open outwards on any such street and cause obstruction, the owner or occupier of the premises to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in the judgment of the Commissioners, cause obstruction, and, in case he neglects so to do, the Commissioners may make such alteration, and the expenses thereof shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

106. If any door, gate, bar, or ground-floor window put up before this Act comes into operation, is hung
Doors, &c., opening
outwards to be altered. or placed so as to open outwards upon any public street and causes obstruction, the Commissioners, upon default made after notice given as in last preceding Section mentioned, may alter the same, so that no part thereof, when open, shall cause an obstruction, and the expense of such alteration shall be paid by the owner, or occupier, and be recoverable as hereinafter provided.

107. The owner of every house or building in any public street shall, within fifteen days after notice
^{3 to} from the Commissioners to that effect, put up, and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house or building, and for discharging the same in such manner as the Commissioners shall direct, and, in default of compliance with such notice within the period aforesaid, the owner or occupier shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

108. The Commissioners may give notice in writing to the
Commissioners may
remove projections, &c.,
hereafter erected. owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction which, after this Act comes into operation, shall be erected or placed against, or in front of such house or building, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a penalty not

exceeding two hundred Rupees ; and the Commissioners, in such case, may remove such projection, encroachment, or obstruction, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

Proviso.

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same, from the rent payable by him to the owner of the house or building.

109. The Commissioners may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building, in any public street, before this Act comes into operation, to be removed, or altered as they think fit ; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun ; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Notice of removal.

Compensation when to be made.

Commissioners may allow certain projections from houses.

110. The Commissioners may give permission in writing to the owners or occupiers of houses or buildings in public streets, to put up verandahs, balconies, sun-shades, weather-frames and the like, to project over the pyals and pavements in front of the same or over the street, to an extent not exceeding five feet from the line of frontage.

111. The external roofs, verandahs, pandals, and walls of huts or other buildings, erected or renewed within the town after this Act comes into operation, shall not be made of grass, leaves, mats, or other such inflammable materials.

made of inflammable materials.

in such places and in such manner as may be dangerous to adjacent houses or buildings ; and it shall not be lawful for the owner of any hut or other building, now having an external roof, verandah, pandal or wall made of any such material, in such place and manner as aforesaid, to suffer such roof or wall to remain after this Act comes into operation, unless with the consent of the Commissioners ; and whoever makes any external roof, verandah, pandal or wall of such materials unless with the consent in writing of the Commissioners, or suffers any roof, verandah, pandal or wall made of such materials to continue contrary to the provisions herein contained, shall be liable to a penalty not exceeding ten Rupees for every day that such shall continue. Any person may give information and institute a prosecution under this Section.

112. If, in any street, any house, building, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses, or buildings, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require ; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of the house, building, wall, or thing, as they shall think necessary, to be taken down, repaired, or otherwise secured ; using as they shall think fit, the materials of the said house or building for the purpose ; and all the expenses incurred by the Commissioners shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

113. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall, on demand, if made within six months from the date of sale, but not otherwise. The Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as aforesaid, as by this Act are given to them for compelling the payment of the whole of the said expenses.

114. If any building or land, by reason of abandonment, disuse, or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or, in the opinion of the Commissioners, in any manner become a nuisance, the Commissioners, after due inquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or some conspicuous part of the building or land requiring the persons concerned therein, whoever they may be, to secure, enclose, clear, or cleanse the same; and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the building or land, and shall be recoverable as hereinafter provided.

115. Whoever being the occupier of a house within the town, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bone, ashes, night soil, filth, or any noxious or offensive matter, in such house or upon the roof thereof, or in any out-house, or upon the roof thereof, or in or upon any yard, ground, pyal, pavement, or verandah attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neg-

lects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable, at the prosecution of the Commissioners, to a penalty not exceeding fifty Rupees for each offence, and an additional penalty not exceeding ten Rupees for every day the nuisance is continued.

116. Whoever being the owner or occupier of any house, building, or land within the town, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or overgrown with noxious vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued ; and if the owner be not known or not residing within the limits of the town, the Commissioners may cause the necessary work to be executed, and all expenses thereby incurred shall be recovered as hereinafter provided.

117. The Commissioners may give notice in writing to the owner, if known and within the limits of their jurisdiction, and also to the occupier of any land, to trim or prune the hedges thereof, so that they may not exceed the height of six feet from the level of the ground ; and to cut and trim all trees which, by overhanging any public road or street, obstruct the passage or cause damage thereto ; and in the event of such notice not being complied with within eight days from the date thereof, the owner or occupier shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

118. Whoever, within the town shall keep any livery or hack-stable, cart-stand, cattle-shed, or yard for public resort, or more than twenty sheep or ten horned cattle in one place, without a license from the Commissioners, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which such offence is continued. Provided that an appeal against the

decision of the Commissioners' refusal to grant such license shall lie as provided in Section 63 for appeals against assessment.

119. Whoever, in or near any street, shall keep any pig, except within a pig-stye or other suitable enclosure, or who shall, in or near any street, without the permission of the Commissioners, keep more than ten pigs, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

120. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the streets, existing at the time this Act comes into operation or afterwards made, and whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Commissioners.

121. The Commissioners, in making any main or other sewers for the drainage of the town, may, if needful, carry such sewers through, across, or under any street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any enclosed or other land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

122. The Commissioners shall maintain, and from time to time repair, and, as they see fit, enlarge, alter, arch over, or otherwise improve, all or any of the sewers and drains vested in them by this Act: and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided that, if by reason of any thing done under this Section, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, at their expense, provide for him the means of drainage into

some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers.

123. The Commissioners shall, so far as the funds at their disposal will admit, cause the sewers and
and empty- drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied ; and, for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary ; and they may also, with the sanction of the Governor in Council cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

124. Whoever, without the written consent of the Commissioners first obtained, makes, or causes to be made, any drain into any of the sewers or drains vested in the Commissioners by this Act, or whoever stops up, diverts, obstructs, or in any way interferes with any public drain or sewer, whether the same passes through public or private ground, shall be liable to a penalty not exceeding two hundred rupees ; and the Commissioners may cause such branch drain or obstruction to be demolished, altered, re-made, or otherwise dealt with as they shall think fit ; and all the expenses incurred thereby shall be paid by the person who made, or caused to be made, such branch drain or obstruction, and shall be recoverable as hereinafter provided.

125. No building shall be newly erected over any sewer or drain vested in the Commissioners by this Act, without their written consent ; and
Buildings over sewers, &c., not to be erected if any building be so erected, the Commissioners may cause such building to be pulled down, or otherwise dealt with as they may think fit ; and

the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

126. If any house or building within the town, and within a reasonable distance of a sewer fit for, or of some tidal river or other place, at which the Commissioners are empowered to empty their sewers, be, at any time, not drained to the satisfaction of the Commissioners by a sufficient drain or pipe communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay from such a house or building a covered or open drain or pipe, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the draining of such house or building; and the expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter provided.

127. No house or building shall be hereafter built within the town upon a lower level than will allow of the drainage of such house or building being led into some public sewer either then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers, and the owners or occupiers of land or buildings skirting the public street or road shall construct, alter, and maintain culverts, of such sufficient size and materials as the Commissioners may direct, over the side channels or ditches at the entrances to their land or buildings, and if they neglect to do so within fifteen days after notice, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the said owners or occupiers, and be recoverable as hereinafter provided.

128. If any house or building, newly erected or re-built within the town after this Act comes into operation, have such means of drainage as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building, of such materials, of such size, at such

Level of houses hereafter built within the town.

ed under the orders of the Commissioners.

level, and with such fall, as the Commissioners may direct; and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided.

129. Before beginning, within the town, to build or re-build any house, the person intending to build or re-build such house, shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners, and whoever fails to give such notice shall be liable to a penalty not exceeding fifty Rupees.

130. Within one month after receiving such notice, the Commissioners shall signify their approval of the proposed levels, or, if they disapprove thereof, they shall fix other levels in lieu thereof, within the same time.

131. If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Commissioners within the said month, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require, and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

132. If the Commissioners fail to signify in writing their approval or disapproval of the levels shown on such plan as aforesaid, and to fix other levels within one month after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to according to the levels shown on such plan, provided that

such building or re-building be otherwise in accordance with the provisions of this Act.

133. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden,
Throwing rubbish into sewers. kitchen or stable refuse, or any broken glass or earthenware, or other rubbish, or (until suitable sewers shall be provided) any night soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees for each offence.

134. The Commissioners shall provide and maintain in proper
Latrines and urinals. and convenient situations, so as not to create a nuisance, common latrines and urinals, and shall cause the same, when provided, to be kept in proper order, and to be daily cleansed. And the owner or occupier of every house standing on, and surrounded by, land of an area exceeding eight grounds, shall provide a good and sufficient latrine in a convenient place within such area for the use of the servants and persons employed in or about such house, and shall keep the same in a clean and proper manner, and, in default, such owner or occupier shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding ten Rupees for every day after conviction of such offence, during which the offence shall continue.

135. The Commissioners may license, for any period not exceeding one year, such latrines for public
Licensing of public latrines. use as they, from time to time, may think proper, and whoever keeps any public latrine without such license, or, having a license for a public latrine, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding ten Rupees for every day after conviction for such offence, during which the offence shall continue.

136. The owner or occupier of any house or building having a privy on his premises, shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons

passing by or residing in the neighbourhood. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this Section, shall be liable to a penalty not exceeding ten Rupees a day for each day of default or breach.

137. All branch-drains as well within as without the lands or buildings to which they belong, the town, shall be under the survey and control of the Commissioners, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglects, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, repaired, and put in good order, and the expense incurred by the Commissioners, in respect thereof, shall be paid by the owner, and shall be recoverable as hereinafter provided.

138. If any such drain, privy, or cess-pool be constructed after this Act comes into operation without the consent in writing, or contrary to the directions of the Commissioners, or if any person constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees, and the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

139. The Commissioners, or any Officers appointed by them for that purpose, may inspect any such drain, privy, or cess-pool, and, for that purpose, at any time between sunrise and sunset, after twelve hours' notice in writing to the occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be, and if, upon such inspection, it appears that the drain, privy, or cess-pool is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong, and shall be recoverable as hereinafter provided ; but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officers as aforesaid shall cause the ground to be closed and made good as soon as may be ; and the expenses of opening, closing, and making good such drain, privy, or cess-pool shall, in that case, be defrayed by the Commissioners. Provided, always, that nothing hereinbefore contained shall authorize an entry into the zenanas or private apartments appropriated to the females of Hindoo and Mussulman families for the purpose of such inspection, until a reasonable time has been allowed for such inmates to retire.

Proviso.

140. Where any notice is required by this Act to be given to the owner or occupier of any building, or land, such notice, addressed to the owner or occupier as the case may require, may be served on the occupier of such building or land, or, if he cannot be found, may be left with some adult member or servant of his family, or if the notice cannot be so served or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always

Service of notice on owners and occupiers of buildings and lands.

that, when the owner and his residence are known to the Commissioners, it shall be their duty, if such owner be residing within the limits of their authority, to cause every notice required to be given to the owner of any building or land, to be served on such owner or left with some adult member or servant of his family ; and if the owner be not resident within such limits, they shall, in addition to serving a notice upon the occupier, send a notice by post addressed to the residence of such owner, and proof of delivery of the notice at the Post Office shall be held to be due service of the same.

141. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Commissioners, in default of owner or occupier, may execute works and recover expenses.

142. If the defaulter be the owner of the building or land, the Commissioners may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier, and every such occupier shall be entitled to deduct, from the rent payable, so much as is so paid by, or recovered from, him in respect of any such expenses.

Power to levy charges on occupier, who may deduct the same from his rent.

143. No occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act, on the owner thereof, than the amount of rent due from him, for the premises in respect of which such expenses are payable, at the time of the demand made upon him,

Occupier not to be liable for more than the amount of rent due.

or which, at any time after such demand has accrued, may become payable by him, unless he neglect, or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof, that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier; provided further, that nothing herein contained shall be taken to affect any special contract, made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

144. Whenever default is made by the owner of any building or land, in the execution of any work required by the Commissioners to be executed, the occupier of any such building or land may cause such work to be executed, and the expenses thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier, in default of owner, may execute and deduct ex- from his rent.

145. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the Municipal Commissioners, upon proof thereof, may give an order in writing, requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees: and every such owner, during the continuance of such refusal, shall be discharged from any penalties, to which he might otherwise have become liable by reason of default in executing such works.

Proceedings in case of occupiers opposing the execution of this Act.

146. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time this Act comes into operation, or afterwards made, laid, or erected, and whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and also any adjacent land, (not being private property or the property of Government) appertaining to any public tank, shall be vested in, and belong to, the Commissioners.

147. The Commissioners shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, used for the supply of water to the inhabitants, or other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works and shall cause them to be maintained and supplied with water; and the Commissioners may, with the sanction of the Governor in Council, from time to time, construct aqueducts and lay pipes for bringing water into the town, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purpose aforesaid.

148. Whoever, except as permitted by the Commissioners under Section 151, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Commissioners, or washes or causes to be

washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal,

or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of

any sink, sewer, drain, engine or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him, or

flowing from any house or building or from any ground occupied by him : or does anything whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a penalty not exceeding fifty Rupees for each offence.

149. Whoever being the proprietor of any gas works, or being engaged or employed in the manufacture or supply of gas, or, being the occupier or proprietor of any place where an

Water fouled by offensive trades.

offensive trade or manufacture is carried on, wilfully does any act connected with the said business, whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty not exceeding five hundred Rupees for every day while the offence is continued, after twenty-four hours' notice in writing from the Commissioners in that behalf, and the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such persons ; and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided ; but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

150. Whoever wilfully or carelessly injures any water-work belonging to the Commissioners, or unlawfully draws off, diverts, or takes water from any such water-works, or from any water or streams belonging to the Commissioners, by which such water-works are supplied, shall be liable to a penalty not exceeding one hundred Rupees.

151. The Commissioners may, at their discretion, set apart any public ghaut or place, or any part of the sea-shore, or of the strand of any river (not being private property)

Commissioners may set apart bathing places.

purpose of being used as a bathing place ; and may also provide or set apart a sufficient number of convenient tanks or rivers for the inhabitants to bathe in ; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

152. It shall be lawful for the Municipal Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood ; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Municipal Commissioners, their Officers, and workmen, may enter such premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit, and the expenses incurred thereby shall be paid by the owner of such premises so making default, and shall be recoverable as a debt due to the Municipal Commissioners.

153. The Municipal Commissioners shall, from time to time, as they think fit, cleanse, fill up, or drain all receptacles of stagnant water, not being within any private enclosure, which shall appear to them likely to prove injurious to the health of the inhabitants, whether such receptacles be the private property of any person, or otherwise.

154. The Commissioners, in executing any works directed or authorized by this Act to be made, shall and make, at the expense of the roads, &c., where existing ones are injured. Municipal Fund, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless, by reason of the execution of such works ; and, in case of any difference arising between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided, for the settlement of disputes respecting damages and expenses.

155. When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Commissioners, their Officers, or servants, they shall, with all convenient speed, complete the works on account of which the same shall have been broken up, and fill in the ground and make good the pavement and surface, and the sewer or drain so opened, or broken up, and carry away the rubbish occasioned thereby, and shall, in the meantime, cause the place where such pavement or surface shall be so opened, or broken up, to be fenced and guarded, and sufficiently lighted during the night.

156. If the Commissioners deem it necessary, for the purposes of this Act, to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, they may, from time to time, by notice in writing, require the person, to whom any such pipes or works belong or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong, as to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

157. If the persons to whom any such pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to

Commissioners breaking up street, to restore all con-

Situation of gas and water-pipes to be altered of the

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

be raised, sunk; or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

158. Every person intending to build or take down any building, or to alter or repair the outward part^{up} of any building, where any street or foot-way will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same and having first obtained a license in writing from the Commissioners so to do, cause sufficient hoards or fences to be put up, in order to separate the building, where such works are being carried on, from the street or foot-way, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Commissioners during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and every such person, who begins to build, or to take down, or alter, or repair any building contrary to the provisions of this Section, or who, without license, erects or sets up any hoards, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioners, within eight days, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding ten Rupees, for every day while the offence is continued, after twenty-four hours' notice from the said Commissioners.

159. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accidents, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Commissioners shall cause any sewer or drain, or other works in streets, during the construction or

Bars to be erected across streets during repairs and light placed at night.

repair thereof by them, to be sufficiently lighted and guarded during the night ; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Commissioners, shall be liable to a penalty not exceeding fifty Rupees.

160. No person shall deposit any building materials, or make a hole in any street, without the permission of the Commissioners, and when such permis-

Penalty for not lighting deposits of building materials or excavations.

his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause the same to be sufficiently lighted during the night ; and whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding ten Rupees, for every day while the offence is continued, after twenty-four hours' notice from the Commissioners.

161. If any building, tank, well, or hole, or other place whether on public or private ground, be, for want of sufficient repair, protection, or enclosure, dangerous to human beings, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the said premises to cause the same to be repaired, protected or enclosed, so as to prevent danger therefrom, and if he shall refuse or neglect to comply with such requisition within twenty-four hours, or shall fail to complete the same with due diligence, he shall be liable to a penalty not exceeding fifty Rupees for each offence, and a further penalty not exceeding ten Rupees for each day of delay ; and it shall be lawful for the Commissioners to cause the said premises to be repaired, protected, or enclosed, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit, and the expenses incurred thereby shall be recoverable as hereinafter provided.

Regulation of certain offensive trades, and of burial and burning grounds.

162. No place shall be used as a slaughter-house, or newly

No place shall be used as a slaughter-house or market without a license from the Commissioners.

used as a public market for sale of butchers' meat, dead poultry, fish or vegetables within the town, unless a license in writing for the use thereof as such has been obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time, to grant and withdraw, or revoke, such licenses; and whoever, without such license, uses as a slaughter-house, or newly uses as a market for the sale of butchers' meat, dead poultry, fish or vegetables any place within the town, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued. Provided that an appeal against the Commissioners' refusal to grant such license shall lie to two Magistrates in the manner provided by Section 63 for appeals against assessment.

163. The Commissioners shall, from time to time, provide or license a sufficient number of places for the purpose of being used as slaughter-houses and public markets.

Commissioners to provide or license slaughter-houses, &c.

164. Every owner of any public market or of any slaughter-house within the town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and, if required so to do by the Commissioners, shall cause all the floors and drains to be paved with stone or burnt brick or to be metalled with gravel, and shall also cause a supply of water to be provided, sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, after notice in writing given to him by the Commissioners, that such market or slaughter-house is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees for every day during which such default is continued.

Markets, slaughter-houses, &c., to be properly drained.

165. Whoever, for the purpose of sale, slaughters, cuts up, or skins any sheep, goat or pig, or any cattle at any place within the town, other than in a licensed slaughter-house, shall be liable to a penalty not exceeding twenty Rupees for each animal.

166. It shall be lawful for any Magistrate, on the application of the Commissioners or any of their Officers setting forth that there is just cause to believe that any article which has been rendered or has become noxious, or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale within the town as food or drink for man, to grant a warrant to enter upon the premises of such person, and to search for and seize such article, and if it appear to the said Magistrate, upon the evidence of a competent person, that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

167. The Commissioners, or any person appointed by them for that purpose, may, at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butchers' meat, poultry, fish, fruit or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, fruit or vegetables, which may be therein ; and in case any animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetables, appear to be intended for the food of man and to be unfit for such food, may seize the same ; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, fruit, or vegetables, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

168. The owner or occupier of every place within the town, used at the time this Act comes into operation, for any of the following purposes, namely, for melting tallow or for boiling

Offensive and dangerous trades in existence before passing of this Act to be registered.

offal or blood, or as a soap campher or

boiling house, or as an oil mill or press, or as a dyeing house or yard, or as a tannery, or as a brick, pottery, or lime kiln, or as a manufactory, or as any other manufactory or place of

business from which any offensive or unwholesome smell arises, or as a yard or depôt for hay, straw, wood or coal, or other fuel, shall, within three months after this Act comes into operation, register the same at the office of the Commissioners in a book to be kept by them for that purpose, and whoever, after the expiration of the said three months and after eight days' notice from the Commissioners, uses any such place without the same being registered, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

169. No place shall be newly used within the town for any of the purposes mentioned in the last preceding Section except under a license from the Commissioners, who are hereby empowered, at their discretion, from time to time, to grant, withdraw, or revoke such license, and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued. Provided that an appeal shall lie to two Magistrates against the Municipal Commissioners' refusal to grant such license in the manner provided by Section 63 for appeals against assessment.

170. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial

every such place, and every burning ground existing at the time this Act comes into operation, shall, within one month after this Act shall have come into operation, be registered by the owner or the person having the control thereof, or if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose; and whoever, after the expiration of the said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not so registered as a burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

171. No vault or grave shall be made within the walls of,

to be constructed without leave of the Commissioners.

or underneath, any church or chapel or other place of public worship built within the town after this Act comes into operation, and no burial or burning ground, whether public or private, shall be opened, made, or formed, within the town, after this Act comes into operation, otherwise than by, or under the authority of the Governor in Council, without a license, describing the extent and boundaries thereof, first obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time, to grant such licenses ; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made, or formed without such license or contrary to the terms thereof, or in any public or private place, shall be liable to a penalty not exceeding five hundred Rupees.

172. If, upon the evidence of competent persons, the Commissioners, with the sanction of the Governor in Council, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses, within the town, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the town is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath the same, or in any churchyard or burial ground adjacent thereto, and shall also certify that a fitting place for interment or burning, as the case may be, exists within a reasonable distance and is available, it shall not be lawful, after a time not less than two months, to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned any corpses in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate ; and whoever, after due publication of such certificate as hereinafter provided, buries or burns, or causes, permits, or suffers to be buried or burned, corpse contrary to this enactment, shall be liable to a penalty

Proviso. not exceeding two hundred Rupees. Provided always, that every such certificate shall be published in the Government Gazette, and that a translation thereof in the vernacular language chiefly in use shall, in the case of a burning or burial ground, be affixed conspicuously on some part of the said ground.

173. The Commissioners shall, from time to time, out of the Municipal Fund, with the sanction of the Governor in Council, provide fitting places to be used as burial or burning grounds.

Rights of entry and powers in reference to works.

174. The Commissioners shall, for the purposes of this Act, have power, by themselves or their Officers, between sunrise and sunset, to enter into and upon any building or land as well for the purpose of making any survey or inspection which they may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of any thing done in any part of such building or land in pursuance of this Act.

Proviso. Provided that, except when herein otherwise provided, the Commissioners or their Officers shall not enter upon any building or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of his or their intention to do so.

175. The Commissioners, or their Officers or servants, may enter upon the land of any person adjoining to or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and

Power to enter upon lands for the purposes of this Act.

Power to Commissioners to enter on lands adjacent to works.

making compensation for such temporary occupation or temporary damage of the said land, to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken or such temporary damage done, and making compensation to the owner also, for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes

Proviso.

respecting damages and expenses. Provided that before the Commissioners make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give seven days' notice of such their intention to the owners and occupiers of such land, and, if required, shall set apart by sufficient fences, so much of the land as shall be required to be used as aforesaid, from the other land adjoining thereto.

176. Whoever, at any time, obstructs or molests the Commissioners, or any person employed by the Commissioners, or any person with whom the Commissioners in their duty. they have contracted, under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of any work authorized by this Act, shall be liable to a penalty not exceeding two hundred Rupees, or, in the discretion of the Magistrate before whom he is convicted, to imprisonment for any term not exceeding two months.

177. For the purpose of laying pipes or constructing aqueducts for bringing water into the town from any place without the limits thereof, or for the purpose of making dams, sewers or drains to communicate with, or empty, themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for laying any such pipes or constructing any such dam, aqueduct, sewer, or drain shall have been approved by the Governor in Council, for the Commissioners and their Officers, with

Powers to be exercised by the Commissioners when constructing drains, aqueducts, &c., without the town.

such assistants as they may require, to exercise, in the laying of such pipes and construction of such dam, aqueduct, sewer, or drain, throughout the line of country through which the said pipes, aqueduct, sewer, or drain are to run, all the powers which, by this Act, it is lawful for them to exercise within the town, and which may be necessary for the laying of such pipes or the construction of such dam, aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing ; and it shall also be lawful for any Magistrate of any District, through which the said pipes, aqueduct, sewer, or drain are to run, to exercise, in respect thereof, the like powers and jurisdiction within the limits of his own district, as it is, by this Act, lawful for a Magistrate to exercise in respect of any work to be executed by the Commissioners within the town.

Bye-Laws.

178. It shall be lawful for the Commissioners, from time to time, to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned, for the guidance and control of persons employed by them, and for preserving order and cleanliness in the town, and for carrying out any of the purposes of this Act. Provided that no such bye-law shall be repugnant to any law in force, and that no penalty for any one infringement of such bye-law shall exceed 20 Rupees, and that, in the case of a continuing infringement, no penalty shall exceed ten Rupees for each day after notice from the Commissioners of such infringement.

179. No bye-law, or alteration of a bye-law, shall have effect until the same is confirmed by the Governor in Council.

180. No bye-law, or alteration of a bye-law, shall be confirmed until the same has been published in the *Fort St. George Gazette* at least five times, nor till the space of one month has elapsed since the date of the first publication, during which period a copy of such proposed bye-law shall be kept at the office of the Commissioners, and all persons may, at any time between eleven o'clock in the morning and five o'clock in the afternoon, inspect such copy without fee or reward.

181. Such bye-laws, when confirmed, shall be published in the *Fort Saint George Gazette* in the English, Tamil, Telugu, and Hindustani languages, and copies thereof shall be printed and placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

182. All Courts and Magistrates shall take judicial notice of such bye-laws, when the same shall have been confirmed and published as aforesaid.

General Provisions.

183. The Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-laws made under this Act, and of the amount of every such penalty, and shall cause such particulars, in the English, Tamil, Telugu, and Hindustani languages to be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

184. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act; and if judgment shall be given against the defendant, the Magistrate may award the Commissioners their full costs, but, on failure of conviction, the expenses of such prosecution or other proceeding and any costs awarded to the defendant by the Magistrate shall be paid out of the Municipal Fund. But nothing in this Section shall be held to hinder any person from publicly prosecuting any other person for any nuisance.

185. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person, which is, or but for this Act would by law be, deemed to be a nuisance, nor to exempt any person guilty of a nuisance from prosecution or action in respect thereof.

186. No action shall be brought against the Commissioners,

their Officers until after
one month's notice of
cause of action.

or any of their Officers, or any person acting under the direction of the Commissioners, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff, and of his Attorney or Agent in the cause ; and, upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant ; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards : and if any person, to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought ; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

187. The Commissioners may make compensation, out of the Municipal Fund, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their Officers or servants, under and by virtue of this Act.

Power to make compensation out of the Municipal Fund.

188. When any license or registration is granted under the provisions of Sections 118, 162, 168, or 169 of this Act authorizing the use of any place for any of the purposes therein described, and when permission is given under Section 119 or under Section 95 for making any temporary erection, or under Section 110 for putting up any projection, the Commissioners may charge a fee for such license or permission ; and the rates

Fees for licenses, &c.

of the fees to be so charged shall be, from time to time, adjusted by the Commissioners with the sanction of the Governor in Council, provided that no such fee shall exceed the sum of one hundred Rupees. When permission or license is given for the temporary occupation of any ground belonging to the Commissioners under the provisions of Sections 158 and 160, the Commissioners may charge rent for such ground, according to the time the occupation may continue.

189. In all cases where any damages, costs, or expenses are, by this Act, directed to be paid, Damages and expenses how to be determined. the amount of the same, in case of dispute, shall be ascertained and determined by two Magistrates.

190. In any case referred to two Magistrates under the provisions of the preceding Section, it shall be lawful for the said Magistrates, on the Method of proceeding before the Magistrates. application of either party, to summon the other party to appear before them, at a time and place to be named in such summons, and every such summons shall be served by delivering the original or a copy thereof to the person summoned, or by leaving the same at his usual or last known place of abode with some adult member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Magistrates to hear and determine such question, and, for that purpose, to examine such parties or any of them, and their witnesses on oath; and the costs of every such inquiry shall be in the discretion of such Magistrates, who shall determine the amount thereof.

191. If the amount of damages, costs, or expenses ascertained in the manner above described, be Recovery of damages by distress. not paid by the party liable to pay the same, within seven days after demand, such amount may be recovered, under a warrant of one of the said Magistrates, by distress and sale of the goods and chattels of such party; and the overplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand, if made within twelve months but not otherwise, to the party whose goods shall have been distrained.

192. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same, in any Court of competent jurisdiction.

193. *Clause I.*—Every prosecution under this Act may be instituted before any Magistrate, except of fines and in cases otherwise provided for; and every fine or penalty imposed under or by virtue of this Act, or any bye-law made in pursuance thereof, may be recovered by a summary proceeding before a Magistrate, upon information exhibited by order of the Commissioners, and in default of payment of such fine or penalty, the same may be levied, under the warrant of such Magistrate, by distress and sale of the goods of such offender, with all such powers, for the issuing such warrant and upon the return thereof, as are exercised by a Magistrate of Police under Act XIII of 1856, *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)*, and Act XLVIII of 1860 *(to amend Act XIII of 1856)*, or any other Act for regulating the Police of the Town of Madras in force for the time being.

Proviso.

Clause II.—Every prosecution under Clause 2 of Section 12 of this Act, shall be instituted in such manner as a prosecution under Section 161 of the Indian Penal Code would be instituted, and before such Magistrate or Court as shall have authority to entertain charges and prosecutions in reference to the said last-mentioned Section, and not otherwise.

194. The Magistrate by whom any fine or penalty is imposed by virtue of this Act may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder—or, if he make no award to the informer, the whole of such fine or penalty—to be paid to the Commissioners, to be by them applied to the purposes of this Act.

195. No person shall be liable to any fine or penalty under

No person liable to fine or penalty unless complaint be made within of-

this Act for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

196. If through any act, neglect, or default, on account whereof any person shall have incurred any imposed by this

be made good in addition to penalty.

to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty ; and the amount of such damage shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted ; and, on non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

197. It shall be the duty of all Police Officers to give immediate information to the Commissioners or to their Officers of any offence committed contrary to the provisions of this Act. sioners, and to arrest unknown offenders.

Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, and if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given ; and such person may be detained at the Station House until his name and address shall be correctly ascertained.

198. This Act shall commence and take effect on and from the first day of November 1865, and may be cited Commencement of Act. as the "Madras Municipal Act of 1865."

SCHEDULE A.—(REFERRED TO IN SECTION 22).

Vehicles and Animals liable to taxation with the rates of taxation.

	Half-yearly Rupees.
For every 4-wheeled Carriage on springs drawn by two Horses	9 0
For every 4-wheeled Carriage on springs drawn by one Horse or Pony, or a pair of Ponies under thirteen hands	4 8
For every 2-wheeled Carriage on springs drawn by a Horse, Pony, Mule, or Bullocks	3 0

*Half-yearly
Rupees.*

For every Horse.....	4	8
For every Pony under thirteen hands, or Mule	1	8
For every Elephant.....	12	0
For every Camel.....	6	0
For every Pony, under eleven hands.....	0	8
Every Bullock.....	0	8
Every Male Buffalo.....	0	8
Every Ass.....	0	4
Every Dog.....	0	4

SCHEDULE B.—(REFERRED TO IN SECTION 36).

Tolls payable on entering Municipal limits.

	RS.	A.	P.	
On every 4-wheeled carriage on springs.....	0	4	0	each.
„ 2 do. do. on do	0	2	0	do.
„ hackery or cart drawn by men, bullocks, horses, ponies, asses or mules, laden.	0	2	0	do.
„ do. do. not laden.....	0	1	0	do.
„ Buffalo or Bullock, laden	0	0	6	do.
„ Horse, laden or ridden.....	0	1	0	do.
„ Horse, not laden or ridden.....	0	0	6	do.
„ Pony or Ass, laden or ridden.....	0	0	6	do.
„ Elephant.....	0	8	0	do.
„ Camel.....	0	1	0	do.

SCHEDULE C.—(REFERRED TO IN SECTION 44.)

Arts, Professions, Trades and Callings liable to be taxed.

CLASS I.

*Yearly.**Rupees.*

Every Joint Stock Company whose Capital exceeds 10 lakhs. 200

„ „ „ is above 2 and
under 10 lakhs... 100

„ „ „ is 2 lakhs or under

CLASS II.

Every person holding a Civil appointment under Govern-
ment, or in the service of any Joint Stock or other
Public Company or Trading Firm, whose salary
amounts to Rupees 800 a month or upwards... ..

Every Merchant, Banker, Sowcar, Wholesale Trader,
Commission Agent.....

Every Practising Barrister, Attorney-at-Law, Proctor,
Notary Public, Pleader of the High Court.....

Every Practising Surgeon, Physician, Dentist, Architect,
Civil Engineer. } 50

Every owner or farmer of a private or public market. . .

Every owner of a Printing Press, of a Screw Press, or
Presses for Cotton, Jute, Oil, Hides. or other mate-
rials, of a Coffee cleaning Establishment, Saw Mill,
and every Auctioneer.....

Every Hotel-keeper, Boarding House-keeper, Shop-
keeper, Manufacturer, Artizan or Trader, the gross
rental of whose shop or place of business is estimated
at 500 Rupees a year or upwards.....

CLASS III.

Every person holding a Civil appointment under Govern-
ment, or in the service of any Joint Stock or other
Public Company or Trading Firm, whose salary
amounts to Rupees 400 a month and is less than
Rupees 800 a month.....

Every Practising Licentiate of Medicine, Apothecary, and } 25
Veterinary Surgeon.

Every keeper of a Spirit Shop, Punch House, or Billiard
Room, or wholesale Produce Dépôt.....

Every Hotel-keeper, Boarding House-keeper, or Shop-
keeper, or Retail dealer, Manufacturer, Artizan or

	Yearly. Rupees.
Trader, the gross rental of whose shop or place of business is estimated at more than 100 Rupees, but less than 500 Rupees a year.....	
Every Pleader and Practising Vakeel not included in Class II	} 25
Every Broker, or other person employed in the transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares and Bills of Exchange, or in procuring freight.....	

CLASS IV.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 100 a month and is less than Rupees 400 a month.....	
Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, or Retail dealer, Manufacturer, Artizan or Trader, not included in Class II or Class III.....	} 12
Every keeper of a permanent Stall at a Public Market....	
Every Native Doctor not included in any other Class.	
Every Pawnbroker and every Trader, Artizan or Merchant having a shop or place of business not included in Class III.....	

CLASS V.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 50 a month and is less than Rupees 100 a month.....	
Every Retail dealer, Manufacturer, Artizan, Trader or keeper of a Shop not included in any other Class, or Money Changer.....	} 1
Every Pedlar, Hawker, or itinerant dealer.....	

NOTE.—A person who carries on several kinds of business and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioners.

SCHEDULE D.—(REFERRED TO IN SECTION 67.)

Notice of Demand.

Take notice that the Commissioners for the Town of Madras demand from you the sum of

due from* (you) as owner (or occupier) (*here describe the property or thing upon which the rate or tax is imposed*) for the months of 186 ; and that, if the sum due, together with for this notice, is not paid into the office of the said Commissioners at , or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L. S.)

Date

(*Signature of one of the Municipal Commissioners.*)

SCHEDULE E.—(REFERRED TO IN SECTION 67).

Distress Warrant.

To

(*here insert the name of the Officer charged with the execution of the Warrant.*)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the rates (*or taxes*) (*or rates and taxes*) mentioned in the margin for the months of 186 , although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand : This is to command you to distrain the goods and chattels of the said (*or as the case may be, any goods and chattels found on the premises referred to*) to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of

* In the case of a demand under Section 67, state that the notice of demand has been served upon the owner, and that the sum due remains unpaid.

The above charge includes all expenses, except when Peons are kept in charge of property distrained, in which case four Annas must be paid daily for each man.

SCHEDULE H.—(REFERRED TO IN SECTION 76.)

Form of Debenture.

The Municipal Commissioners for the Town of Madras.

MADRAS, the 186 .

No.

By virtue of the Madras Municipal Act of 1865, of the Council of the Governor of Madras for making Laws and Regulations, We, the Municipal Commissioners for the Town of Madras incorporated under the said Act, in consideration of the sum of Rupees paid to us by A. B. of , promise to pay to the said or order, the said sum of Rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of

(Signature of the President of the Municipal Commissioners.)



ACT No. X. OF 1865.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

*(Received the assent of the Governor on the 4th August 1865,
and of the Governor-General on the 14th October 1865.)*

An Act to provide for the appointment of Municipal Commissioners in Towns in the Presidency of Fort Saint George, and for the Police, Conservancy, and Improvement thereof, and for the levying of Rates, Tolls and Taxes therein.

WHEREAS it is expedient to appoint Municipal Commissioners in Towns in the Presidency of Fort Saint George; and to provide for the Police, Conservancy, and Improvement thereof, and to enable the said Commissioners to levy rates, tolls, and taxes therein: It is enacted as follows:—

Preamble.

Short Title. 1. This Act may be cited as the
“ Towns Improvement Act, 1865.”

Interpretation. 2. The following words and expressions in this Act shall
have the several meanings hereby assigned to them, except where a different intention shall appear from the context ; that is to say :—

“ Magistrate of the District.” The expression “ Magistrate of the District” shall mean the Chief Officer charged with the executive administration of a District in Criminal matters by whatever designation such Officer is called.

“ Magistrate.” The word “ Magistrate” shall mean any person exercising all or any of the powers of a Magistrate.

“ House.” The word “ House” shall include any shop or warehouse.

“ Town.” The word “ Town” shall include any village, suburb, station, bazaar or place, the limits of which shall be defined as in this Act provided, and shall also include any number of the same when declared to be united as in this Act provided.

“ Land.” The word “ Land” shall include buildings with their appurtenances, and shall include plantations and gardens.

“ Highway.” The word “ Highway” shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way ; and also the roadway over any public bridge or causeway.

“ Owner.” The word “ Owner” shall mean the person for the time being receiving the rents of land and buildings, or either of them, whether on his own account, or as agent or trustee for any other person ; or who would so receive the same if such land were let to a tenant. Provided that no person receiving such rent, as agent or trustee for another person, shall be liable to pay any assessment made under this Act, unless he have sufficient funds of the actual owner to pay for the same.

“ Horse.” The word “ Horse” shall include ponies and mules.

The word "Person" shall include any Company, association,
 " Person." or body of persons, whether incorporated
 or not.

Words importing the singular number shall include the plural
 Number. number, and words importing the plural
 number shall include the singular number.

Gender. Words importing the masculine gender
 shall include the feminine.

3. Act XXVI of 1850 (*to enable improvements to be made
 in Towns*) shall, in every town to which
 this Act shall be extended, cease to have
 places to which this Act effect, except so far as it repeals the whole
 is extended. or any part of any Regulation or Act, and
 except as to any assessment made, or to any act done, or to any
 liability incurred, or to any money due, or to any proceedings
 commenced in such town, before this Act shall have effect
 therein. If, in any town to which this Act shall be extended,
 Commissioners shall have been appointed under the said Act
 XXVI of 1850, all property and rights of every kind vested in
 such Commissioners shall, on the date on which this Act shall have
 effect in such town, become vested in the Municipal Commissioners,
 appointed under this Act; and all actions and suits by and
 against such former Commissioners, in respect of any contracts
 entered into by them, may be carried on by and against the
 said Municipal Commissioners.

4. For the purposes of this Act, the Governor in Council
 may, from time to time, by Notification in
 the Fort Saint George Gazette, define the
 Council may define limits of town, &c., and
 create unions of places. limits of any town, village, suburb, station,
 bazaar or place not being within the limits
 of the town of Madras; and may, from time
 to time, by such Notification, declare to be united, for the pur-
 poses of this Act, any number of such towns, villages, suburbs,
 stations, bazaars, or places, or any parts thereof; and may
 declare who shall be deemed inhabitants, within the meaning of
 this Act, of any such town; and by what name such town shall
 be designated.

5. The provisions of this Act shall not take effect in any town

Act not to take effect in any town until it shall have been extended thereto.

so defined or declared to be united as aforesaid, until this Act shall have been extended thereto by the Governor in Council by Notification in the Fort St. George Gazette.

Establishment of Municipal Commissions and Constitution of Municipal Funds.

6. In any town to which the operation of this Act shall have been extended, the Governor in Council shall appoint any number, not less than five, of the inhabitants thereof, to be Town Commissioners for carrying out in such town the purposes of this Act. The persons so appointed shall continue in office one year, or until their successors shall have been appointed, and shall be eligible for re-appointment. The Governor in Council may, from time to time, remove any of such Commissioners, add to their number, and fill up vacancies occurring among them.

7. In addition to the Members to be appointed as aforesaid, the following Officers shall be *ex-officio* Commissioners for every town within their jurisdiction, to which this Act shall be extended; that is to say:—

The Magistrate of the District, and the Officer of the Public Works Department in executive charge of the range.

8. The Magistrate of the District shall, *ex-officio*, be President of the Municipal Commissioners for all towns within the District under his charge, and shall, from time to time, appoint such persons, being Municipal Commissioners, as he may think fit, to be Vice-Presidents of the Municipal Commissioners for their respective towns.

9. The Municipal Commissioners shall have and use a common seal, and shall have their name engraved thereon in legible characters in the English language and also in the vernacular language of the District. All contracts entered into in respect of any sum exceeding 20 Rupees shall be in writing, and shall be sealed with the common seal of the Commissioners and on their behalf in the presence of at least two of the Commissioners, one of whom shall be the Presi-

dent or Vice-President, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

10. The Municipal Commissioners of each town shall sue and be sued in the name of their President by the description of "The President of the Municipal Commissioners of ;" and in such name so described, they shall be competent to hold property, movable and immovable, to them and their successors as a body corporate, and to convey the same, and to enter into all necessary contracts for the purposes of this Act.

to sue and be sued, to hold property and enter into contracts.

11. All public highways in any town (not being the property of and repaired by and kept under the control of the Government, and not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such highways, shall vest in, and belong to the Municipal Commissioners and their successors.

Public highways, &c., vested in the Commissioners.

12. It shall be lawful for the Municipal Commissioners to agree with the person or persons in whom the property in any highway is vested, to take over the property therein, and, after such agreement, to declare, by notice in writing put up in any part of such highway, that the same has become a public highway. Thereupon such highway shall vest in the Municipal Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

Commissioners may, with consent of owners, take over and repair certain highways.

13. All monies, rents, and profits received by the Municipal Commissioners of any town, and all fines, fees, and penalties paid or levied under this Act, shall constitute a fund which shall be called the Municipal Fund of such town, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

What shall constitute the Municipal Fund.

14. The Municipal Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land belonging to the Municipality and not required for such purposes, either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

15. When the Municipal Commissioners may be unable to agree with the owners of any land for the purchase thereof, the Governor in Council may, upon the representation of the Commissioners, and after such inquiry as may be thought proper, declare that the land is needed for a public purpose ; and may order proceedings to be taken for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Municipal Commissioners of the compensation awarded, such land shall vest in them and their successors in trust for the purposes of this Act.

16. No Municipal Commissioner shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners ; but the funds from time to time in the hands of the Commissioners shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners, to which he shall have been a party, or which shall have happened through, or have been facilitated by, his neglect of his duty, and he shall be liable to be sued for the same as for money due to the Government.

17. No Municipal Commissioner or servant of the Commissioners shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or in employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person, by being a shareholder in or member of any incorporated or

registered Company, shall be disqualified from acting as a Commissioner by reason of any contract entered into between such Company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner in any matter relating to any contract entered into between the Commissioners and such Company.

*Mode of transacting business and appointing
Municipal Servants.*

18. The Municipal Commissioners shall keep an office where they shall meet for the transaction of business at least twice in every month, upon such days and at such times as they may arrange, and as often as a Meeting shall be called by the President or Vice-President. And all questions which may come before them at any Meeting shall be decided by a majority.

Municipal Commissioners to keep an office for the transaction of business.

Who to preside at Meetings of the Municipal Commissioners.

19. In the absence from any Meeting of both the President and Vice-President, the Municipal Commissioners shall choose some one of their number to preside.

20. In every case of equality of votes, the presiding Member shall have a casting vote.

21. Minutes of the Proceedings of the Commissioners at each Meeting shall be drawn up and fairly

Minutes of Proceedings of Commissioners to be kept, and to be open for inspection.

entered in a book to be kept for that purpose ; and shall be signed by the Member who presided at such Meeting ; and the said Minutes shall, at all reasonable times and without charge, be open, at the office of the Commissioners, to the inspection of any person who pays a rate or tax under this Act.

22. No business shall be transacted at a Meeting unless, at least, three Municipal Commissioners be present.

23. In any case of emergency, the President, or, in his absence, the Vice-President, shall exercise

The President or Vice-President to exercise, with certain exceptions,

all the powers vested by this Act in the Municipal Commissioners. Provided that it shall not be lawful for the President or Vice-President to exercise any power which

it is by this Act expressly declared shall be exercised by the Commissioners at a Meeting.

24. The President shall, from time to time, appoint all such Overseers, Clerks, and subordinate officers and servants as he may think necessary and proper to assist in the execution of this Act, and may, from time to time, remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid such salaries to the said persons respectively as may be determined by the Municipal Commissioners at a Meeting ; or, in case of absence on leave, such portion thereof as may appear reasonable. He shall also take from every Tax Collector such security for the due disposal of the sums collected by him as he may think proper.

Appointment of Overseers, Clerks, and subordinate officers.

Purposes to which the funds raised under this Act shall be applied, and how estimates of income and expenditure shall be framed.

Purposes for which the funds raised under this Act shall be appropriated.

25. The funds raised under this Act shall, except as hereinafter provided, be appropriated to the following purposes ; that is to say :—

I. The maintenance of the Police Force which shall be maintained under Section 26 of this Act, including therein their wages, the price of all necessaries and accoutrements supplied to them, cost of medical stores and attendance, of buildings erected, rented or repaired for their use, furniture, rewards, superannuation allowances, and compensation for wounds, stationery, and other ordinary incidental expenses.

II. The construction, repairing, and cleansing of drains, the making and repairing of roads, the keeping the roads, streets, and tanks clean, and generally doing such things as may be necessary for the preservation of the public health.

26. The Governor in Council shall determine and direct the number and description of Police to be maintained in any town ; the rates at which they are to be paid, and the buildings which are to be provided for their use. All such

Governor in Council to determine number, &c., of Town Police.

Who are to form part
of the General Police.

Police shall form part of the General Police Force of the Presidency, and shall be appointed in the same manner, and shall be, in all respects, governed by the same rules as the Police enrolled under Act XXIV of 1859.

27. The Governor in Council shall determine the total amount required to be raised and expended in any year in any town for the purposes specified in Section 25 of this Act, provided that a sum equal to 25 per cent. of such amount shall be contributed by Government to the Municipal Fund.

The Governor in Council to determine the sum to be raised annually, and pay 25 per cent. thereof.

28. It shall be the duty of the Municipal Commissioners to raise the amount so determined by the Governor in Council within such time as the Governor in Council may require. If they fail to take the necessary steps for raising such sum, it shall be lawful for the President, under the orders of Government, to take all such steps, on his own authority, as might have been taken by the whole Municipal Commission. Provided always, that the President shall not exercise the power conferred upon him by this Section, unless he shall have given the Municipal Commissioners notice in writing of his intention to proceed under this Section, and they shall have failed to adopt the necessary measures for one fortnight after receipt of such notice.

Provided also, that all acts done by the President under the authority of this Section shall at once be notified to the Governor in Council, and may be disallowed by him. Provided, lastly, that the functions of the Town Commissioners shall not absolutely cease upon such assumption of sole authority; but may be resumed at any time, only so as not to invalidate any act done by the President under this Section.

Subject to disallowance of his acts by Governor in Council.

Functions of Town Commissioners not to cease.

29. The Municipal Commissioners may, with the sanction of the Governor in Council, raise and expend such additional amount as may appear to them necessary for any other Municipal purposes than those specified in Section 25 of this Act.

30. The Superintendent of Police shall, so soon as may be practicable after the first day of May in each year, furnish to the Town Commissioners a statement of all sums received and expended by him in the past year, and shall, on or before the thirty-first October of each year, submit a statement or estimate showing the probable expenditure to be incurred in the next official year in respect of the Police Force maintained in the Town under Sections 25 and of this Act.

Annual statements of expenditure, &c., to be furnished to the Municipal Commissioners by the Superintendent of Police.

31. The Municipal Commissioners shall, at such time or times, and in such form as the Governor in Council shall direct, furnish, for the sanction of the Governor in Council, a statement or estimate showing the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to incur such expenditure, and such statement shall include the estimate submitted by the Superintendent of Police to the Municipal Commissioners under the preceding Section of this Act.

Annual estimate of expenditure to be submitted to the Governor in Council.

32. The Municipal Commissioners shall, at such time or times, and in such form as the Governor in Council shall direct, furnish an Annual Report of their Proceedings and statements in detail of all the works executed by them, and of all sums received, and of all sums expended by them. All the Municipal accounts shall be audited by such Officer and in such manner as the Governor in Council shall direct. The Annual Report shall be published in the District Gazette.

An Annual Report of Proceedings, &c., to be submitted.

33. All sums collected under this Act and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government Treasury of the District, and shall be credited to an account, to be called the Municipal Funds of the Town where they have been raised.

Disposal of sums collected.

34. All orders for payment of money from the Municipal

Mode of drawing money. Fund shall be signed by the President, or, in his absence, by the Vice-President, or, in the absence of the Vice-President, by any three of the Municipal Commissioners.

35. It shall be the duty of the President, to pay, on or before the first day of each month, from the Municipal Fund, into the District Treasury, on account of the Government of Fort Saint George, one-twelfth part of the amount annually fixed by Government for the maintenance of the Police in such Town.

Rates, Taxes, Tolls, and Fees leviable under this Act.

36. It shall be lawful for the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, rates and taxes which may consist of a rate not exceeding seven and a half per cent. on houses, buildings and lands, according to the annual value thereof; or of a tax upon arts, professions, trades and callings; or of tolls on carriages, carts and animals entering the Municipal limits; or of taxes on carriages, horses, and other animals as described in Schedule C, to this Act annexed; or of fees on the registration of carts. It shall be lawful for the Commissioners, with the approval of the Governor in Council, to raise the funds required for the purposes of this Act, from all or any one or more of the above sources as they shall decide. And the Commissioners may, with the sanction of the President, exempt, in whole or in part, from the payment of any rate or tax under this Act, any person who, by reason of poverty, may be unable to pay the same.

Rates to be levied on Houses, Buildings, and Lands under this Act.

37. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, rates on houses, buildings, and lands, according to the annual value thereof, such rates shall be levied as provided in Sections 38 to 44 of this Act.

38. For the purpose of making the annual rate, the gross

Annual value of houses,
buildings, and lands how
to be ascertained.

annual rent at which the houses, buildings,
and lands liable to the rate might be
reasonably expected to be let, shall be
deemed to be the annual value of such houses, buildings, and
lands ; and such value shall accordingly be fixed by the Com-
missioners from year to year, commencing from the date on
which this Act shall have come into operation. Provided that
no building ordinarily used as a place of public worship shall be
liable to any rate.

39. The Municipal Commissioners shall, at a Meeting to be
held as soon as conveniently may be after their appointment,
fix the percentage of such annual rate to
be levied from the date on which this Act
may come into operation till the expiration
of the current year. And at a Meeting not less than fifteen days
before the expiration of each year, they shall fix the percentage
of such rate for the ensuing year. The said annual rate shall be
due and payable in full from and after the end of the first quarter
of the year for which it is so assessed.

Percentage of annual
rate how to be fixed.

40. The Municipal Commissioners may require the respect-
tive owners or occupiers of the houses,
buildings and lands, to furnish them with
returns of the measurements and of the
rent or annual value thereof; and they, or any person appointed
by them for that purpose, at any time between sunrise and
sunset, may enter, inspect, and measure any such houses, build-
ings, or lands, after having given forty-
eight hours previous notice of their inten-
tion to the occupier thereof. When the
valuation of the houses, buildings, and lands shall have been com-
pleted, the Commissioners shall cause lists, containing the
valuation and rate assessed, to be made out, and shall give
public notice thereof and of the place where the lists or copies
thereof may be inspected ; and every person claiming to be the
owner or occupier of property included in the assessment, or
the agent of such person, shall be at liberty to inspect such
lists, and to make extracts therefrom, without the payment
of any fee.

Returns may be requir-
ed for purposes of valua-
tion.

Power to enter houses,
&c.

41. The Municipal Commissioners shall, at the same time, give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

42. After the appeals have been inquired into; and after the revision of the valuation and assessment completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Municipal Commissioners, who shall, at the same time, certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown therein; and, subject to such amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment shall be made. Provided always, that the President or Vice-President may, at any time, amend the said lists by inserting therein the name of any person whose name ought to be so inserted, or by inserting any property liable to the rate, after giving notice to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof: and any person interested in such amendment may appeal to the said Commissioners, by application in writing left at their office three days before the day fixed in the notice for such amendment.

43. It shall not be necessary to prepare new lists or to fix the percentage of annual rate every year ; but the Commissioners may adopt the annual rate and the valuation and assessment contained in the lists for the preceding year, (with such alterations as may, in particular cases, be deemed necessary,) as the annual rate, valuation, and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 41 of this Act.

44. When any house shall have been vacant for sixty consecutive days during any year, the Commissioners shall remit so much, not exceeding one-half of the rate of that year, as may be proportionate to the number of days the said house may have remained unoccupied ; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Remission on account
of vacant houses.

Tax on Arts, Professions, Trades, and Callings.

45. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, a tax on arts, professions, trades, and callings, such tax shall be levied as provided in Sections 46 to 49 of this Act.

Tax on arts, &c., to
be levied as provided for.

46. Every person, who shall within the town exercise any of the arts, professions, trades, or callings in Schedule A to this Act annexed, shall pay in respect thereof such annual sum as may be approved by the Governor in Council, not exceeding the rates mentioned in the said Schedule A. Such annual sum shall be payable in two equal half-yearly instalments, of which the first shall be payable on or before the 1st day of June, and the second on or before the 1st day of December in each year. Provided that no person who shall prove that he has paid the tax prescribed in this Section in any one Municipality shall be required to pay the same for the same half-year in any other Municipality.

and callings, in the town,
to pay a tax in respect
thereof.

47. The Municipal Commissioners shall determine under which of the classes mentioned in Schedule A to this Act annexed, every person liable to be taxed as aforesaid shall be assessed; and shall from time to time declare what are to be considered bazaars or public markets within the meaning of this Act.

48. A person who carries on several kinds of business, and may come under more than one of the designations in Schedule A, shall be chargeable only under one of such designations at the discretion of the Municipal Commissioners.

49. On or about the first day of May in every year, the Municipal Commissioners shall prepare a list of the persons to be taxed under this Act for the year then commencing; which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum payable by him; and such list shall be filed in the office of the said Municipal Commissioners, and shall be open to public inspection at all reasonable times.

Tolls payable for Carriages and other Vehicles, and for Animals entering the Town.

50. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, tolls on carriages, carts, and animals entering the Municipal limits, such tolls shall be levied as provided in Sections 51 to 56 of this Act.

51. Tolls at the rates mentioned in Schedule B annexed to this Act shall be levied upon all carriages, carts, horses, and other animals entering the Municipal limits, and the Commissioners may construct toll-bars, and gates, and gate-keepers' stations, and may place the collections of such tolls under the management of such persons as may appear to them proper, or may farm out the same and shall frame Bye-Laws, in manner hereinafter provided, for the guidance of

such Toll Collectors ; and all persons employed in the management and collection of such tolls, shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this Section shall not apply to carriages, carts, and animals kept within the limits of the town and licensed or registered by the Commissioners.

52. In case of non-payment of any such toll on demand, the Officer appointed to collect the same may

In case of non-payment of toll, vehicle, &c., may be seized.

seize any carriage, or animal, on which it is chargeable, or any part of their burden of sufficient value to defray the toll. If any toll remains undischarged for forty-eight hours, the Municipal Commissioners may sell the property seized, for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, and sale. Any balance that may remain shall be returned, on demand, to the owner of the property. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice that, after the expiration of two days, exclusive of Sunday, they will sell, at such place as they may state in the notice, the property by auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender to the Commissioners, or other Officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

53. No tolls shall be paid for the passage of Troops and Military stores and equipages on their march,

Troops, Military stores, Police, &c., exempt.

or of Police Officers on duty, or of any person or property in their custody ; but no other exemption from payment of the tolls levied under this Act shall be allowed.

54. In all cases of resistance to the lawful authority of the

Police to assist Toll Collectors.

Toll Collectors, all Police officers shall be bound to assist the Toll Collectors, when required ; and, for that purpose, shall have the same power which they have in the exercise of their ordinary Police duties.

55. Every person, other than persons appointed to collect

the tolls under this Act, who shall levy or
 collection of demand any toll, and also every person who
 unlawfully and extortionately demand
 or take any other or higher toll than the lawful toll, or, under
 color of this Act, seize or sell any property, knowing such seizure
 and sale to be unlawful, or in any manner unlawfully extort
 money or any valuable thing from any person under color of this
 Act, shall be deemed to have committed the offence of cheating,
 or extortion, as the case may be, and shall be liable to such
 punishment as is prescribed for those offences respectively by
 the Indian Penal Code.

56. A table of the tolls authorized to be taken at any toll
 gate or station, legibly written or painted in
 Table of tolls to be exhibited. English words and figures, and in the ver-
 nacular language of the District, shall be
 put up in a conspicuous place near such gate or station.

Taxes on Carriages, Horses, and other Animals.

57. If it shall be determined by the Municipal Commissioners,
 with the approval of the Governor in Coun-
 Taxes on carriages, &c., to be levied as pro- vided for. cil, to levy, for the purposes of this Act,
 taxes on carriages, horses, and other animals,
 such taxes shall be levied as provided in
 Sections 58 to 64 of this Act.

58. The owner of every carriage, horse, pony, mule, ass,
 bullock, camel, or elephant, kept within
 Owners of carriages, &c., to send statements half-yearly to Commis- the town, shall, within one month from
 the date on which the approval of the
 Governor in Council in last preceding
 Section mentioned shall have been notified
 in the District Gazette, and shall thenceforward, on or before
 the first day of May and the first day of November in each year,
 send to the office of the Commissioners a statement in writing
 signed by him, containing a description of the vehicles and
 animals liable to the tax, for which he desires to take out a
 license. The owner shall, at the same time, pay to the Muni-
 cipal Commissioners half of the yearly taxes payable by him,
 according to the rates given in Schedule C, to this Act annexed.
 Any person becoming possessed, between the first day of May

and the thirty-first day of October, or between the first day of November and the thirtieth day of April, of a carriage or animal so kept, shall, within fifteen days of becoming so possessed, send to the office of the Municipal Commissioners a similar statement, together with the full amount payable for the then current half-year according to the said schedule.

59. On receiving the amount of the tax as aforesaid, the Municipal Commissioners, or some person duly authorized by them in that behalf, shall give to the person paying the same, a license for each of the vehicles and animals for the period in respect of which the money is received. The said vehicles and animals shall be duly registered in a book to be kept for that purpose at the office of the Commissioners; and the register shall be open to public inspection at all reasonable times. The owner of every carriage or animal as aforesaid, who shall have received a license, shall produce the same, when called upon to do so by the Municipal Commissioners, or any person duly authorized in writing by them to demand its production.

60. If the owner of any carriage, or animal so kept as aforesaid, shall not have duly taken out a license under the last preceding Section, he shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty Rupees.

61. All carriages kept for the purpose of being let out for hire, by the day or trip, shall bear a registration number in such manner as the Municipal Commissioners shall direct; and any owner of such carriage who shall fail to affix the registration number assigned to such carriage, shall be liable to a fine not exceeding ten (10) Rupees.

62. Whenever the owner of a carriage, horse, pony, mule, ass, bullock, camel, or elephant, let out for hire and kept for the time being in premises situated within any town, shall not reside in such town, the sums to be charged for such carriage, or animal, shall be recover-

able from the person in whose premises it is for the time being kept.

63. The Municipal Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages, or horses, or other animals for hire, for a certain sum to be paid by such persons, in lieu of the rates specified in Schedule C.

64. It shall be lawful for the Municipal Commissioners, or any persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under Section 58 of this Act, for which a license has not been duly taken out ; and the Municipal Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under the last mentioned Section, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses, or other animals, in respect of which such person is liable to be taxed. Whoever being so summoned shall, without lawful excuse, fail to appear in pursuance of the summons, and whoever hinders or obstructs the Commissioners, or any person appointed by them as aforesaid, from or in entering or inspecting any such stable, coach-house, or place, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty Rupees.

*Registration of Carts and other wheeled Vehicles
without springs.*

65. If it shall be determined by the Municipal Commissioners, with the approval of the Governor in Council, to levy, for the purposes of this Act, fees for the registration of carts and other wheeled vehicles without springs, such registration shall be made and fees levied as provided in Sections 66 to 68 of this Act.

Registration of carts,
&c., to be made as pro-
vided for.

66. Within one month from the date on which the approval of the Governor in Council in the last preceding Section mentioned shall have been notified in the District Gazette, the owner of every cart, or other wheeled vehicle without springs, shall register the same in the office of the Municipal Commissioners. The registry shall set forth the name and residence of the owner, and the cart or other wheeled vehicle without springs shall bear such registration number, and in such manner as the Commissioners shall direct. Provided that this Section shall not apply to, or include, Gun carriages, Ordnance-carts or wagons, the property of Government, or carts or other wheeled vehicles without springs, the property of the Municipal Commissioners.

67. The registration of carts, and other vehicles under the last preceding Section, shall be made and the numbers assigned half-yearly, upon such days as the Municipal Commissioners shall notify; and such fee as they shall fix, not exceeding one Rupee, shall be paid for each registration. Any person becoming possessed, between the first day of May and the thirty-first day of October, or between the first day of November and the thirtieth day of April, of any such cart or other vehicle which has not been registered for the then current half-year, shall, within fifteen days of becoming so possessed, register the same; and the Commissioners shall grant registration, in every such case, on payment of the fee for the current half-year. When any registered cart or other vehicle is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four Annas shall be paid for every such last-mentioned registration. The register of carts and other wheeled vehicles without springs shall be open to public inspection at all reasonable times without charge.

68. Whoever owns or keeps any cart, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused the same to be registered

under the last preceding Section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and of the costs and charges incurred on account of the seizure, detention, and sale; and the surplus (if any) if not claimed by the owner or the person keeping such cart or other vehicle, within a further period of twenty days, shall become vested in the Municipal Commissioners and be employed for the purposes of this Act.

Appeals.

69. Appeals against any rate, tax, or fee, assessed or levied under this Act, shall be heard and determined by not less than five Commissioners, of whom the President or Vice-President shall be one; and their adjudication, and the assessment, by the Commissioners, of any rate, when no appeal is made as hereinbefore provided, shall be final. And no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

Hearing of appeals.

Assessment when to be final.

70. No appeal shall lie against any assessment on any land, house, or building, unless it be preferred within one month after public notification of the assessment, as provided in Section 41 of this Act. And no appeal against any tax on any trade, profession, or calling, and no appeal against any tax on any carriage, horse, or other animal, or against any registration fee, shall lie, unless preferred within one month from the time of such tax being charged. Provided that no appeal shall be entertained, unless the amount of such assessment or tax shall be deposited with the Commissioners on or before the day on which such appeal shall be lodged.

Limitation of appeal.

71. No assessment, and no charge or demand of rate, tax, or fee made under the authority of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate, tax, or fee, or in the

Assessment, &c., not the are, in substance, complied with.

description of any property or thing liable to the rate, tax, or fee, or any mistake in the amount of assessment, provided that the directions of this Act be, in substance and effect, complied with.

Collection of Rates and Taxes.

72. When any sum is due for, or on account of, any rate or tax leviable under this Act, the Municipal Commissioners shall cause to be presented to the person liable to the payment thereof, a bill for the amount.

Bill to be presented.

It shall also contain a statement of the period and a description of the property for which the charge is made, and a notice of the time within which an appeal against such rate or tax may be preferred.

73. If the bill be not paid by the person liable to pay the same within ten days from the presentation thereof, the Municipal Commissioners may cause to be served upon such person a notice of demand in Form No. 1, in Schedule E to this Act annexed, or to the like effect; and if such person shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the movable property, wherever found, of the defaulter, under a warrant in Form No. 2, in Schedule E to this Act annexed, or to the like effect, to be issued for that purpose by the Commissioners.

Warrant of distress.

74. If the sum due on account of any rate, from the owner of any house, building, or land, remains unpaid, after notice of demand has been duly served, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land; and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises; and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him. Provided that no occupier of any building or land shall be liable to pay more money in respect of any rates due from the owner thereof, than the amount of rent due from him for the premises in respect

Rate due from owner may be recovered from occupier and deducted by him from his rent.

Proviso.

of which such rates are payable at the time of the demand being made upon him.

75. The Officer charged with the execution of the warrant of distress shall make an inventory of the property seized under such warrant, and shall, at the same time, give a notice in writing, in Form No. 3, in Schedule E to this Act annexed, to the person in possession thereof at the time of the seizure, that the said property will be sold as therein mentioned.

76. If the warrant is not discharged or suspended by the Municipal Commissioners, the property seized shall be sold under their orders; and they shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said warrant and costs; and the surplus (if any) shall be returned on demand to the person in possession of the property at the time of the seizure.

Fees. The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in Schedule D to this Act annexed.

Mode of raising money for works of a permanent nature.

77. For the construction of works of a permanent nature which may be undertaken under the provisions of this Act, the Municipal Commissioners may, with the sanction of the Governor in Council, from time to time borrow such sums of money as may be required, by way of debenture, on the security of the lands and other property vested in them, for the purposes of this Act, and on the security of the rates, taxes, and dues leviable under this Act, or of a portion of them, and at such rate of interest and upon such terms as the said Governor in Council may approve.

78. All the debentures aforesaid, issued under the authority of this Act, shall be in the form given in Schedule F to this Act annexed, and shall be transferable by endorsement. And each mortgagee or debentureholder shall be re-paid the sums so advanced with interest, without any preference over the other of them by reason of any priority of advance or the date of his mortgage.

79. The Municipal Commissioners may, at any time, with

Payment of debentures by fresh mortgage of rates, &c.

such consent as aforesaid, raise, by the issue of new debentures, any money that may be required to pay debts for the time being due on any debentures issued under the provisions of this Act.

80. There shall be kept at the office of the Municipal Com-

A register of mortgages and transfers of mortgages to be kept, and to be open to public inspection.

missioners, a register of all the mortgages upon the lands and other property of the Commissioners, and upon the rates, taxes and dues leviable under this Act, and of the transfers of such mortgages; and, within 14 days of the date of any mortgage, an entry shall be made in the Register of the number and date thereof, and of the names and description of the parties thereto; and, within 30 days of the date of every transfer of any mortgage, the transferee shall produce the same at the office of the Municipal Commissioners, who shall cause an entry to be made in the Register, of the date of such transfer and of the names and description of the parties thereto; and upon any transfer being so registered, but not otherwise, the transferee, his personal representatives or assigns, shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby: and every such Register shall be open to public inspection, during office-hours, at the said office, without charge.

General Conservancy Clauses.

81. The Municipal Commissioners shall provide all cattle,

Places of deposit for filth.

carts, and implements required for the removal of night soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night soil, dung, and other filth, and for keeping all cattle, carts, and implements required for the removal thereof, and for other purposes of conservancy.

82. It shall be the duty of the occupier of every house, with-

Occupiers of houses to remove night soil, &c., to carts of Commissioners.

in the limits of any town to which this Act shall be applied, to remove from his premises all night soil, dung, and other

filth into carts provided by the Municipal Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Municipal Commissioners may direct.

Provided that if the occupier of any house shall prefer to carry away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 87 of this Act.

83. All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Municipal Commissioners from the streets, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Municipal Commissioners, who shall have power to sell and dispose of the same, and the money arising from the sale thereof shall form part of the Municipal Fund.

84. The Municipal Commissioners may cause any number of movable or fixed dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles. Every person who, after such receptacles have been provided, and after such requisition, shall deposit or cause to be deposited any such matter in any street except in such receptacles, shall be liable to a penalty not exceeding ten Rupees for each offence.

85. Whoever deposits or permits his servants to deposit any filth of any kind in any public highway, except in such places, and in such manner, and at such hours as shall be fixed by the Municipal Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

86. Whoever allows any offensive matter from any privy or cess-pool to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees for each offence.

87. The Municipal Commissioners shall, from time to time, fix the hours within which it shall be lawful to remove night soil or other such offensive matter, and the manner in which such night soil or other offensive matter shall be removed. And after notification of the manner and time of such removal, any person who shall not conform to such notification, shall be liable to a penalty not exceeding ten Rupees for each offence.

88. Whoever, being the occupier of a house within the limits of any Town, keeps, or allows to be kept, for more than twenty-four hours or otherwise than in some proper receptacle, any dirt, dung, night soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard, or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

89. Whoever being the owner or occupier of any house, building or land within any Town, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

90. The Municipal Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

91. It shall also be lawful for the Municipal Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Municipal Commissioners, at any time on

giving one month's notice, to cancel any license granted under this Section.

92. The owner of any house or building within any Town, having a privy on his premises, shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood, and, in default, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this Section, after notice duly given by the Municipal Commissioners to such owner or occupier of such privy.

93. All public sewers, drains, and other works for conservancy existing in any Town at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Municipal Commissioners.

Sewers and drains, &c., under control of the Municipal Commissioners.

94. All public sewers, or other works for the improvement or the conservancy hereafter required in any Town, shall be constructed under the direction of the Municipal Commissioners who shall be empowered to purchase any land necessary for such purposes from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed for the acquisition of land for public purposes.

Sewers, &c., to be controlled by the Municipal Commissioners.

95. All branch drains, and all privies and cess-pools within any Town, shall be under the survey and control of the Municipal Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Municipal Commissioners, the Municipal Commissioners shall cause such drain, privy, or cess-pool, to be made efficient, or, if necessary, removed, the expense of such removal or repair shall be paid by the

Branch drains, privies, &c., under control of Commissioners.

owner or occupier so making default, and shall be recoverable as a debt due to the Municipal Commissioners.

96. If any such drain, privy, or cess-pool is constructed after the passing of this Act contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty (50) Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit, and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built or unstopped, and shall be recoverable as a debt due to the Municipal Commissioners.

Penalty for making drains, &c., contrary to Commissioners' orders.

97. Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night soil into any sewer not specially appropriated for such purpose by the Municipal Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

98. The Municipal Commissioners, or any Officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools, within any Town, at any time between sunrise and sunset, after six hours' notice to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit, for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

99. All public streams, channels, water-courses, tanks, reservoirs, springs, and wells, in any Town, shall, for the purposes of this Act, be under the direction and control of the Municipal Commissioners.

All public streams, &c., to be under direction

100. The Municipal Commissioners shall have power to set apart a sufficient number of convenient
 Bathing places, &c. tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

101. Whoever, except as permitted by the Municipal Commissioners, bathes in any public stream,
 Fouling water by bathing, &c. channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

102. It shall be lawful for the Municipal Commissioners to require, by notice in writing, the owner
 Power to require un-wholesome tanks on pri- of any premises to cleanse any private tank, and to drain off and waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood ; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Municipal Commissioners, their Officers and workmen, may enter such premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner of such premises so making default, and shall be recoverable as a debt due to the Municipal Commissioners.

103. The Municipal Commissioners shall, from time to time, as they think fit, cleanse, fill up, or drain all
 Stagnant pools in open places. receptacles of stagnant water, not being within any private enclosure, which shall appear to them likely to prove injurious to the health of the inhabitants, whether such receptacles be the private property of any person, or otherwise.

104. If any house or other building, tank, well, or hole, or other place, whether on public or private
 Dangerous places to be repaired or enclosed. ground, be, for want of sufficient repair or protection, dangerous to human beings, the Municipal Com-

missioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place ; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Municipal Commissioners, they may cause the same to be taken down, secured, repaired or protected, so as to prevent danger therefrom, and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Municipal Commissioners.

105. If, in any street, any house, building or wall, or any thing affixed thereon, be deemed by the Municipal Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time ; and, in default, the Municipal Commissioners shall cause such repairs to be made or such buildings to be removed ; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Municipal Commissioners.

106. Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or, place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered

executed at his expense from owner, and one owner may enforce contribution from other owners.

by him in any Court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And, provided also, that in case the rents issuing out of any such building, premises or place belong to more persons than one, who are entitled to the same either as being joint proprietors of such building, premises or place, or as having intermediate and other interests therein, the cost of any work, alteration or improvement as aforesaid payable by the owner shall be borne by such persons in proportion to their respective interests; and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

107. The materials of any such house, building, wall, or other structure, or any part of the same which may be pulled down as provided in Section 105, may be sold by the Municipal Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall, on demand, be restored to the owner of such house, building or wall.

108. No place shall be used as a slaughter-house within any Town unless licensed by the Municipal Commissioners. And whoever, without such license, uses, as a slaughter-house, any place within the Town, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees, for every day after the conviction for such offence during which the said offence is continued.

109. The Municipal Commissioners, from time to time, provide places for the purpose of being used as markets and slaughter-houses.

110. After the passing of this Act no
to be new market shall be opened in any town
without the permission, in writing, of the
Municipal Commissioners.

Inspection of markets
and slaughter-houses.

111. It shall be lawful for the Municipal Commissioners to provide for the inspection of all markets and slaughter-houses within any Town.

112. It shall be lawful for the Municipal Commissioners, or
for any person appointed by them for that
Sale of unwholesome food and drink. purpose, at all reasonable times to enter into and inspect any market, building, shop, stall, or place used for the sale of any drink, or of butcher's meat, poultry, fish, vegetables, or other articles of food, and if it appears that any such drink, meat, poultry, fish, vegetables, or other article intended for the food of man is unfit for such food, to order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding fifty Rupees.

113. It shall also be lawful for the Municipal Commissioners,
or for any persons appointed by them for
Inspection of weights and measures. that purpose, to inspect the weights and measures used in markets and shops in any Town, with a view to the prevention and punishment of offences relating to weights and measures, as described in Chapter 13 of the Indian Penal Code.

114. Within such limits as may, for the purposes of this Section, be fixed by the Municipal Commissioners, no premises shall be newly used, except under license from the Municipal Commissioners, for any of the following purposes ; viz., for melting tallow, for boiling offal or blood, or as a soap-house, oil-boiling house, dyeing house, tannery, brick, pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal ; and whoever shall, without a license, use any such premises for such purpose, shall be liable to a fine
Penalty for establishing certain offensive or dangerous trades.

not exceeding fifty Rupees, and a further fine not exceeding twenty Rupees for every day after the conviction for such offence during which the said offence is continued.

115. Licenses shall be issued by the Municipal Commissioners to all persons permitted to carry on the trades aforesaid ; and in these licenses shall be fully stated the conditions under which it shall be lawful to carry on such trades. And whoever, without such license, carries on any such trade within the Town, shall be liable to a penalty not exceeding fifty Rupees ; and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which such trade is continued.

Case of dangerous trades already existing.

116. If, prior to the coming into operation of this Act, any such trade has been carried on within the limits of any Town, and it is shown, to the satisfaction of the Municipal Commissioners, that such trade is a nuisance, or dangerous to the neighbourhood, the Municipal Commissioners shall bring these facts to the notice of the Magistrate, for the purpose of causing such nuisance to be removed as provided in Chapter XX, Act XXV of 1861, (*The Code of Criminal Procedure.*)

No burial or burning place henceforth to be formed without leave of Municipal Commissioners.

117. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, without permission, in writing, from the Municipal Commissioners ; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding fifty Rupees.

Municipal Commissioners may order certain burial or burning grounds to be closed.

118. If, upon the evidence of competent persons, it shall appear to the Municipal Commissioners that any burial or burning ground is in such a state or position as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners may, by notifi-

cation to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground : and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding fifty Rupees.

119. The Municipal Commissioners shall, from time to time, from the funds at their disposal and with , &c., to the sanction of the Governor in Council, provide fitting places to be used as burial or burning grounds, for the use of the inhabitants of the town.

120. No place shall be used as a cart-stand or public halting place for vehicles or cattle of Cart-stands and halting places for vehicles and cattle. tion within any Town, unless licensed as a cart-stand or public halting place by the Municipal Commissioners. Whoever uses, or permits to be used, for any purpose aforesaid, any place within the Town not so licensed, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which such use is continued.

121. The Municipal Commissioners may,

halting places for vehicles and cattle.

purpose of being used as cart-stands or public halting places, and for their inspection.

122. Whoever builds any wall or erects any fence or other obstruction or encroachment in any public street, or in or over any open drain or sewer along the side of any such street, after this Act shall have come into operation in any Town, shall be liable to a penalty not exceeding fifty Rupees, and the Municipal Commissioners shall have the power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who caused the same to be erected, and shall be recoverable as a debt due to the Municipal Commissioners. Nothing herein contained shall prevent the

Future obstructions in the streets.

Municipal Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies.

123. The Municipal Commissioners may cause any such obstruction or encroachment erected before this Act came into operation, to be removed or altered as they shall think fit. Provided that, thirty days before such alteration or removal is begun, notice shall be given of such intended removal or alteration to the occupier of the house or building in front of which such encroachment or obstruction shall be. And the Commissioners shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Removal of existing obstructions.

Proviso.

124. Whoever takes up or makes any alterations in the pavement or other material, or in the fences or posts of any public street in the Town, without the consent, in writing, of the Municipal Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

Taking up or altering pavements, &c, without authority.

125. Any person who wishes to make or lay out any new street, shall give notice in writing thereof to the Municipal Commissioners, shewing the intended level and width of such street ; and the level and width of every such street shall be fixed or approved by the Municipal Commissioners. Any one laying out any new street, without the permission of the Municipal Commissioners, shall be liable to a fine not exceeding fifty Rupees, and the expense of the removal of any building erected in such new street shall be paid by the offender, and be recoverable as a debt due to the Municipal Commissioners.

126. It shall not be lawful for any person to erect within any town any hut, or any range or block of huts, on any plot or parcel of ground on which no huts are standing, without previous notice to the Municipal Commissioners ; and the Municipal Commissioners may require such hut or huts to be built, so that they may stand in regular lines with a free passage or way in front of each line, of such width as the Municipal Commissioners may think proper

Erection of new huts.

for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. Any huts which may be erected in contravention of this Section shall, after one month's notice to the builder thereof to remove the same, be removed by the direction of the Municipal Commissioners; and the expense incurred in doing so shall be paid by the person who caused the same to be built, and shall be recoverable as a debt due to the Municipal Commissioners.

127. Whenever the Municipal Commissioners are satisfied from inspection, or by report of competent persons, that any existing block of huts in any Town is, by reason of the manner in which the huts are crowded together, or of want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the sanction of the Government, cause a notice to be fixed to some conspicuous part of such blocks of huts, requiring the owners or occupiers thereof, or, at the option of the Municipal Commissioners, the owner of the land on which such huts are built, within a reasonable time, to be fixed by the Municipal Commissioners for that purpose, to execute such works as the Municipal Commissioners, with such sanction as aforesaid, may deem necessary for avoidance of such risk. And in case such owners or occupiers, or the owner of the land, shall refuse or neglect to execute such works within the time appointed, the Municipal Commissioners may cause the said huts to be taken down, or such works to be performed in respect of such huts as the Municipal Commissioners may deem necessary to prevent such risk. If such huts be pulled down, the Municipal Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or, if the owner be unknown or the title be disputed, shall be held in deposit by the Municipal Commissioners, until the person interested therein shall obtain the order of a Court of competent jurisdiction for the payment of the same. Provided that the Municipal Commissioners shall make reasonable compensation to all persons who shall suffer damage by any of the aforesaid works executed under the direction of the Municipal Commissioners.

128. The Municipal Commissioners shall, from time to time, cause to be put up or painted on a conspicuous part of some house, building, wall, or place, at or near the end or entrance of every street, the name by which such street is to be known ; and whoever destroys or defaces such name, shall be liable to a penalty not exceeding ten Rupees.

Names of streets.

129. The Municipal Commissioners may, from time to time, fix a number in a conspicuous place on the outer side of any house, or building, or at the entrance of the enclosure thereof fronting the street ; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding ten Rupees.

Numbers on houses.

130. The external roofs, walls, and verandahs of huts, or other buildings erected or renewed within the limits of any Town after this Act shall have come into operation therein, shall not be made of grass, leaves, mats or other inflammable materials, except by the permission, in writing, of the Municipal Commissioners. Any person contravening this Section shall be liable to a penalty not exceeding ten Rupees for every such offence or continuance of the same.

Roofs and external walls of huts not to be made of inflammable materials.

131. The Municipal Commissioners shall give notice, in writing, to the owner, if known and within the limits of their jurisdiction, and also to occupier of any land, to trim or prune any of the hedges thereof, that may be planted along any public road or street, so that they may not exceed the height of six feet from the level of the ground, and to cut and trim all trees which, by overhanging any public road or street, obstruct the passage or cause damage thereto. And in the event of such notice not being complied with within eight days from the date thereof, the Municipal Commissioners may cause the said hedges and trees to be cut and trimmed in the manner required ; and the expense incurred by the Municipal Commissioners in respect thereof shall be paid to them by the owner or occupier of such land making default, or may be recovered from the sale of such or as a debt due to the Municipal Commissioners.

Power to trim hedges and trees bordering on roads.

132. Whenever any lands or premises, being private property or within any private enclosure, appear to the Municipal Commissioners to be, by reason of noxious vegetation, or want of drainage, in a state injurious to health, it shall be lawful for the Commissioners to give notice, in writing, to the owner, if known and within the limits of their jurisdiction, and also to the occupier of the premises, to clear and remove such vegetation or to drain such premises : and if such owner or occupier do not, within one week after such notice, begin to cut, clear, and remove such vegetation or to drain such land, and do not complete such work with due diligence, the Commissioners, their Officers, and workmen, may, after forty-eight hours' notice, enter into the said premises and do all necessary acts for the purpose aforesaid as they shall think fit ; and the expense incurred thereby shall be paid by the owner or occupier of such premises, or shall be recoverable as a debt due to the Municipal Commissioners.

133. When any license is granted under the provisions of this Act, authorizing the use of any place
Licenses. for the purposes therein described, the rates of fees to be charged for such license shall be fixed by the Municipal Commissioners, subject to the approval of the Governor in Council.

134. It shall be lawful for any Police Constable or Officer to
Powers of the Police. arrest, without warrant, any person guilty of any offence committed within his view against any provision of this Act, or any Bye-law under this Act. Provided that it shall be lawful for any Police Officer, under the general or special instructions of the Commissioners, to lay any information before a Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue and may be expedient under the circumstances, against any person committing any offence under this Act, and to prosecute such offenders up to final judgment.

135. It shall be the duty of all Police Officers to give immediate information to the Commissioners
Duties of Police. of any offence committed contrary to the provisions of this Act.

General Provisions.

136. If, through any act, neglect or default, on account where-
of any person shall have incurred any
to the

to be made good in ad-
dition to penalty.

Municipal Commissioners shall have been
committed by such person, he shall be liable
to make good such damage, as well as to pay such penalty ; and
the amount of such damage shall, in case of dispute, be determin-
ed by the Magistrate by whom the party incurring such penalty
shall have been convicted, and, on non-payment of such damage
on demand, the same shall be levied by distress, and such Magis-
trate shall issue his warrant accordingly.

137. In case any fine, forfeiture or penalty shall not be
forthwith paid, the Magistrate may order
the offender to be apprehended and detain-
ed in safe custody until the return can be
conveniently made to the warrant of dis-
tress, unless the offender shall give secu-
rity to the satisfaction of the Magistrate for his appearance at
such place and time as shall be appointed for the return of the
warrant of distress.

de-
or
compelled to give securi-
ty, if fine, &c., be not
forthwith paid.

138. If, upon the return of such warrant, it shall appear that
no sufficient distress can be had whereon
to levy such fine, and the same shall not
be forthwith paid, or in case it shall appear
to the satisfaction of the Magistrate, by
the confession of the offender or otherwise,
that he has not sufficient property where-
upon such fine or sum of money could be levied if a warrant of
distress were issued, the Magistrate may, by warrant under his
hand, commit the offender, provided he is not a European
British subject, to prison, there to be imprisoned, according to
the discretion of the Magistrate, for any term not exceeding two
calendar months when the amount of fine shall not exceed fifty
Rupees, and for any term not exceeding four calendar months
when the amount shall not exceed one hundred Rupees, and for
any term not exceeding six calendar months in any other case ;

If no sufficient distress
can be had, or there be
not sufficient property
whereupon the fine, &c.,
can be levied, the offen-
der, if not a European
British subject, may be
imprisoned.

the commitment to be determinable in each of the cases aforesaid on payment of the amount.

139. If the offender be a European British subject, the Magistrate shall record the facts and transmit such record to the Civil Court of District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

facts to be recorded, and record transmitted to Civil Court.

140. Every notice or summons under any of the preceding Sections of this Act, or under any Bye-law, may be served personally upon the person to whom the same is addressed, or may be served by leaving the same at his usual or last known place of abode with some adult member or servant of his family ; or, if it cannot be so served, it may be put up on some conspicuous part of such place of abode. If the notice or summons relates to any house, building, or land, and the place of abode of the owner is unknown, the notice or summons shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land to which the same relates.

Service of notice.

141. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or or any fines, penalties or forfeitures recoverable under the provisions of this Act, the Municipal Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Municipal Commissioners may sue in competent Court instead of distraining, or on failure of distress.

142. The Municipal Commissioners may make compensation, out of the Municipal Fund, to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their Officers, or servants, under this Act.

Power to make compensation out of the Municipal Fund.

143. It shall be lawful for the Municipal Commissioners to make Bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned, for regulation.

Municipal Commissioners empowered to Bye-laws.

ing the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such Bye-laws. Provided that no

Proviso.

Bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a Bye-law shall exceed twenty Rupees, and that, in case of a continuing infringement, no fine shall exceed ten Rupees for every day after notice from the Commissioners of such infringement.

144. In all cases where any damages, costs, or expenses are, under any Bye-laws or provisions of this Act, directed to be paid, the amount of the same, in case of dispute, shall be recoverable in any Civil Court of competent jurisdiction as a debt due to the Municipal Commissioners. Provided that if the expense thus claimed shall not exceed twenty Rupees, it shall be recoverable in the same manner as is hereinafter provided for the recovery of fines, forfeitures, and penalties under this Act.

145. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Governor in Council; and shall have been published for such length of time and in such manner as the Governor in Council shall order.

146. All Bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

147. No action shall be brought against the Municipal Commissioners, or any of their Officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners, or at the place of abode of such person, explicitly stating the cause of action and the name and place

of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards: and if any person to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

148. The Municipal Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no prosecution for an offence under this Act shall be instituted, except within three months next after the commission of such offence.

149. Every prosecution under this Act may be instituted before any Magistrate, except in cases otherwise provided for; and every fine or penalty imposed under or by virtue of this Act, or any Bye-law made in pursuance thereof, may be recovered by a summary proceeding before a Magistrate, upon information exhibited by order of the Commissioners.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.) SECTION 46.

Arts, Professions, Trades, and Callings liable to be taxed.

CLASS I.

Yearly.

Every Joint Stock Company..... 50 Rupees.

CLASS II.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 800 a month or upwards... ..

Every Merchant, Banker, Sowcar, Wholesale Trader, Commission Agent... ..

Every Practising Barrister, Attorney at-Law, Proctor, Notary Public, Pleader practising in any Civil and Sessions Court, Principal Sudder Ameen's Court, or Court of Small Causes.....

Every Practising Surgeon, Physician, Dentist, Architect, Civil Engineer. } 25

Every owner or farmer of a Bazaar.

Every owner of a Printing Press, of a Screw Press, or Presses for Cotton, Oil, Jute, Hides or other materials, of a Coffee cleaning Establishment, Saw Mill, and every Auctioneer.....

Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, Artizan or Trader, the gross rental of whose shop or place of business is estimated at 500 Rupees a year or upwards.

CLASS III.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 400 a month and is less than Rupees 800 a month... } 12

Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon ...

Every keeper of a Spirit Shop, Punch House, or Billiard Room, or wholesale Produce Dépôt.. }

Yearly.
Rupees.

Every Hotel-keeper, Boarding House-keeper, or Shop-keeper, or Retail dealer, Manufacturer, Artizan or Trader, the gross rental of whose shop or place of business is estimated at more than 100 Rupees, but less than 500 Rupees a year.

Every Pleader and practising Vakeel not included in Class II. } 12 „

Every Broker, or other person employed in the transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares and Bills of Exchange, or in procuring freight. ... }

CLASS IV.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 100 a month and is less than Rupees 400 a month... .. }

Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Retail Dealer, Manufacturer, Artizan or Trader, not included in Class II. or Class III. } 6 „

Every keeper of a permanent Stall at a Public Market.

Every Native Doctor not included in any other Class.

Every Pawnbroker and every Trader, Artizan or Merchant having a shop or place of business not included in Class III. }

CLASS V.

Every person holding a Civil appointment under Government, or in the service of any Joint Stock or other Public Company or Trading Firm, whose salary amounts to Rupees 50 a month and is less than Rupees 100 a month... .. } 2 „

Every Retail dealer, Manufacturer, Artizan, Trader or keeper of a shop not included in any other Class, or Money Changer... .. }

Every Pedlar, Hawker, or itinerant dealer }

SCHEDULE (B.) SECTION 51.

Tolls payable on entering the Municipal Limits.

	RS.	A.	P.	
On every four-wheeled Carriage on springs.	0	4	0	each.
„ two „ „	0	2	0	„
„ Jatka, hackery on springs, and cart drawn by men, bullocks, horses, ponies, asses or mules, laden... ..	0	2	0	„
„ „ „ not laden... ..	0	1	0	„
„ Buffalo or Bullock, laden... ..	0	0	6	„
„ Horse, laden or ridden	0	1	0	„
„ „ not laden or ridden.....	0	0	6	„
„ Pony or Ass, laden or ridden ...	0	0	6	„
„ Elephant..... ..	0	8	0	„
„ Camel..... ..	0	1	0	„

SCHEDULE (C.) SECTION 58.

*Vehicles and animals liable to taxation, with
the rates of taxation.*

	<i>Rupees.</i>	
	<i>Half-yearly.</i>	
	RS.	A.
For every 4-wheeled Carriage on springs drawn by two Horses..... ..	9	0
For every 4-wheeled Carriage on springs drawn by one Horse, or Pony, or a pair of Ponies under thirteen hands..... ..	4	8
For every 2-wheeled Carriage on springs drawn by a Horse, Pony, Mule or Bullock..... ..	3	0
For every Horse... ..	4	8
For every Pony under thirteen hands, or Mule.	1	8
For every Elephant..... ..	12	0
For every Camel..... ..	6	0
For every Pony under eleven hands	0	8
Every Bullock..... ..	0	8
Ass..... ..	0	4

SCHEDULE (D.) SECTION 76.

Table of Fees payable upon distraints under this Act.

			FEE.	
Sums distrained for			RS.	A.
Under 1 Rupee.....			0	4
1 and under 5 Rupees.....			0	8
5	„	10 „	1	0
10	„	15 „	1	8
15	„	20 „	2	0
20	„	25 „	2	8
25	„	30 „	3	0
30	„	35 „	3	8
35	„	40 „	4	0
40	„	45 „	4	8
45	„	50 „	5	0
50	„	60 „	6	0
60	„	80 „	7	8
80	„	100 „	9	0
Above 100 „			10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three Annas must be paid daily for each man.

SCHEDULE (E.)

No. 1.

Notice of Demand—Section 73.

Take notice that the Municipal Commissioners of demand from you the sum of _____ due from you for _____ for the months of _____ 18 _____, and that if the sum due is not paid into the office of the Municipal Commissioners at _____, or if sufficient cause for the non-payment of the sum is not shown to the Municipal Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

Date

(Signature of the President or Vice-President.)

No. 2.

Distress Warrant—Section 73.

To (*here insert the name of the Officer charged with the execution of the Warrant.*)

Whereas _____ of _____ has not paid or shewn sufficient cause for the non-payment of the sum of _____ Rupees due for the rates (*or taxes*) [*or rates and taxes*] mentioned in the margin for the months of _____ 18 , although the said sum has been duly demanded in writing from the said _____ and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the property of the said _____ to the amount of the said sum of _____ Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking, and keeping such distress, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of _____ Rupees and the charges of taking, keeping and selling such distress, to return the surplus (if any) on demand to the person whom you shall find in possession of the said property. If sufficient distress cannot be found of the property of the said _____ you are to certify the same to us together with this Warrant.

Date

(*Signature of the President or Vice-President.*)

No. 3.

Form of Inventory and Notice—Section 75.

(*State particulars of Goods seized.*)

Take notice that I have this day seized the property specified in the above inventory for the sum of _____ Rupees due for the rates (*or taxes*) mentioned in the margin for the months of _____ 18 , and that unless you pay into the office of the Municipal Commissioners of _____ the

amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the property will be sold.

Date

*(Signature of the Officer executing the
Warrant of Distress.)*

SCHEDULE (F.)

Form of Debenture—Section 78.

The Municipal Commissioners of
No.

The 18 .

By virtue of the Act, No. X. of 1865, of the Council of the Governor of Fort Saint George for making Laws and Regulations (The Towns' Improvement Act, 1865), we, the Municipal Commissioners of , in consideration of the sum of

Rupees paid to us by A. B. of ,
promise to pay to the said or order, the said sum of

Rupees after the date hereof, together with
interest thereon at the rate of per centum per annum,
payable half-yearly on the day of and the
day of

Sealed in presence of.



INDEX.

	Year.	Act.	Sec.
ABKARY			
Act providing for manufacture, sale, &c., of liquor beyond the limits prescribed for the Madras, by Act XIX of 1852	1864	III	
manufacture and sale of liquor to be in conformity with Act	„	III	3
exclusive privilege of manufacture and sale may be retained by Government	„	III	4
or assigned to individuals, wholly or partially	„	III	ib.
or exclusive privilege assigned as to some liquors, and license, without exclusive right, granted as to others.	„	III	ib.
licenses may be issued on payment of a fee or of an excise duty	„	III	ib.
Board of Revenue to determine forms of licenses	„	III	5
Collector to determine the places at which stills and shops shall be erected, and all matters relating to management and control of such places	„	III	6
form of license for renting out exclusive privileges of manufacture, what to contain	„	III	7
manufacture or sale without license forbidden	„	III	ib.
engagement to be entered into by person who is placed in charge of a still or shop	„	III	8
renters may sub-rent their farms	„	III	9
engagements to be entered into by sub-renters	„	III	ib.
arrears due by renters how to be recovered	„	III	10
powers of renters to proceed against sub-renters to recover arrears	„	III	11
distillation of spirits by the European process	„	III	12
Board of Revenue may allow spirits to be excised	„	III	ib.
licenses for manufacture and sale to provide against breach of, privileges granted to others	„	III	13
permits for possession or transit of liquor, by whom to be granted	„	III	14,15
validity and effect of such permits	„	III	16
liquor passing without permit liable to confiscation	„	III	17
penalties for breach of license and contravention of rules.	„	III	18—22
issue of search warrants for discovery of unlicensed stills or of liquor illicitly sold	„	III	23

	Year.	Act.	Sec.
ABKARY—continued.			
Police may enter and inspect places licensed for manufacture or sale of liquor	1864	III	24
penalty for refusal to show license on demand	„	III	25
Police may stop person in possession of Liquor, and seize if no valid pass	„	III	26
Act not to apply to articles of medical use.. . . .	„	III	27
Home manufacture of liquor may be permitted or prohibited at the discretion of Board of Revenue	„	III	28
renter not entitled to levy tax	„	III	29
penalty imposed under Act to be levied by distress	„	III	30
imprisonment pending return of distress warrant	„	III	31
imprisonment when no sufficient distress can be had	„	III	32
duration of imprisonment	„	III	ib.
ABSENCE			
(Vide <i>Leave of Absence.</i>)			
ACCOUNTANT			
of Bank of Madras, cannot engage in trade	1862	V	26
ACCOUNTS			
Collector may demand production of, from landholders and curnums, to enable him to apportion assessment on sub-division of estate sold for arrears of Revenue....	1864	II	45
kept by an Agent appointed under the Revenue Act II of 1865, may be inspected by defaulter.....	„	II	30
of the Madras Municipal Commissioners, to be audited and examined annually	1865	IX	19
of the Town Commissioners, to be audited do. do. ..	„	X	32
ACT			
XXXI of 1836, not to apply to enfranchised Inams ..	1862	IV	1
XXIII of 1838, do. do.	„	IV	ib.
IX of 1843, repeal of,	„	V	ib.
XXXII of 1845, do.	1864	III	ib.
XXVI of 1850, do.	1865	X	3
XVIII of 1853, not to be affected by Ablary Act III of 1864... .. .	1864	III	33
XXI of 1854, repeal of,	1862	V	1
XXII of 1855, addenda to,	„	I	
do. do.	1863	II	
XXII of 1855, levy of Port dues in the Port of Ganjam to be in accordance with the provisions of,	1862	I	
Local Government empowered to extend provisions of, to any Port	1863	II	
XXVII of 1855, repeal of,	1862	V	1
XIII of 1856, Commissioner of Police empowered to make Bye-Laws for effectually carrying out objects of, ..	„	III	

ACT—continued.

	Year.	Act.	Sec.
XIV of 1856, repeal of, ..	... 1865	IX	1
XXV of 1856, do. ...	... „	IX	ib.
XXVI of 1856, do. ...	... „	IX	ib.
XIII of 1859, addenda to, ...	... 1863	III	
service of Process under, ..	... „	III	
XXV of 1859, extended to Native Passenger ships arriving from Ceylon...	... 1862	II	1
XLVIII of 1860, Commissioner of Police empowered to make Bye-Laws for effectually carrying out objects of,	... „	III	
II of 1863 (<i>Madras</i>) repeal of, ...	... 1864	I	1
the Madras Pier, ...	... 1863	V	
the Madras Education, ..	... „	VI	
the Madras Revenue Recovery, ..	... 1864	II	
the Madras Abkary, ...	... „	III	
the Madras Rent Recovery, ...	... 1865	VIII	
the Madras Municipal, ...	... „	IX	
the Towns Improvements, . . .	... „	X	
ADJOURNMENT			
(Vide <i>Summary Suit.</i>)			
ADMINISTRATION			
(Vide <i>Representative.</i>)			
ADMISSION			
(Vide <i>Summary Suit.</i>)			
ADVANCES			
for cultivation, may be recovered as arrears of Revenue..	1864	II	52
Bank of Madras cannot make, on stock or shares, or on immovable property	1862	V	30
AGENCIES			
(Vide <i>Branch Banks.</i>)			
AGENT			
may be appointed to manage landed property of defaulter attached for arrears of Revenue	1864	II	28
may be a Revenue Officer in certain cases ..	„	II	ib.
notice of assumption of management by, to be served on defaulter	„	II	29
duties of,	„	II	30
defaulter allowed to inspect accounts kept by,	„	II	ib.
liability of, to suit or prosecution for any criminal or illegal act	„	II	31
plaintiff or defendant in a summary suit before the Collector may employ,	1865	VIII	62
landholder may delegate his powers under the Rent Act to his,	„	VIII	79

	Year.	Act.	Sec.
AGREEMENTS			
(Vide <i>Engagements.</i>)			
AGRICULTURAL PURPOSES			
refuse from sewers and drains may be sold for,	1865	IX	123
ALTERATION			
of limits of Districts or Zillahs, may be ordered by Local Government	1865	I	1
APOTHECARY			
every, liable to Municipal tax	1865	IX	44
do. do.	"	X	46
APPEAL			
lies to Board of Revenue in regard to disputes relating to village cess	1864	IV	9
not allowed against order of Collector on claims of third parties to crops, &c., attached for arrears of Rent	1865	VIII	32
defaulter may, to Collector against notice of sale of property given to him by landholder	"	VIII	40
against warrant for ejectment of tenant	"	VIII	43
not allowed from judgment of Collector in a summary suit decided ex parte or on default ...	"	VIII	58
to Zillah Judge allowed on judgments passed by Collectors in summary suits	"	VIII	69
to be within 30 days, and to be only on the merits	"	VIII	ib.
against rates and taxes levied under the Madras Municipal Act and Towns Improvement Act, how to be disposed of ...	"	IX	63—65
do. do. do. do.	"	X	69—71
against valuation and measurement of houses, &c., made by Commissioners	"	IX	59, 60
adjudication of such, to be final	"	IX	65
against rate or tax assessed or demanded by Municipal Commissioners how to be preferred and by whom to be heard	"	IX	63
time of,	"	IX	64
against Commissioners' refusal to grant license for a slaughter house or market	"	IX	162
against Commissioners' refusal to grant license for carrying on certain offensive trades ...	"	IX	169
hearing of, under the Towns Improvement Act	"	X	69
limitation of, do. do.	"	X	70
APPOINTMENT			
of Municipal Commissioners for Madras,	1865	IX	
(Vide <i>Madras Municipal Act, 1865.</i>)			

	Year.	Act.	Sec.
APPOINTMENT—<i>continued.</i>			
of officers to assist the Municipal Commissioners ...	1865	IX	11
of Municipal officers on salaries exceeding 200 Rupees to be subject to approval of Government	„	IX	ib.
APPORTIONMENT			
of assessment on sub-division of an estate held under a Sunnud-i-Milkeut Istimrar, which may be sold for arrears of Revenue, how to be made ...	1864	II	45
such, to be confirmed by Board of Revenue ...	„	II	46
APPRAISEMENT			
of property distrained for arrear of Rent	1865	VIII	16
ARBITRATION			
provisions of the Civil Procedure Code relating to, appli- cable to summary suits preferred under the Rent Act.	1865	VIII	74
ARCHITECT			
every, liable to Municipal tax ..	1865	IX	44
do. do.	„	X	46
ARREAR			
of Revenue how to be recovered (<i>Vide Revenue.</i>)			
of Rent how to be recovered (<i>Vide Rent.</i>)			
ARREST			
of defaulter or surety for wilful or fraudulent non-payment of arrears of Revenue ...	1864	II	48
procedure in case of, ...	„	II	49
of defaulter for non-payment of Rent.....	1865	VIII	45
(<i>Vide Imprisonment.</i>)			
ARTIZAN			
every, liable to Municipal tax ...	1865	IX	44
do. do. ...	„	X	46
ARTIZANS, VILLAGE			
such as potter, smith, &c., not included under the term “Village servants” used in Act IV of 1864	1864	IV	7
ARTS			
levy of tax on,	1865	IX	43
do. ...	„	X	46
(<i>Vide Taxes.</i>)			
ASS			
tax on,	1865	IX	22
do. ...	„	X	58
(<i>Vide Taxes.</i>)			

INDEX.

	Year.	Act.	Sec.
ASS— <i>continued.</i>			
toll on, entering Municipal limits, ...	1865	IX	36
do. do. ...	"	X	51
(Vide <i>Tolls.</i>)			
ASSESSMENT			
money, fixed on fields to be considered as proper rent, where no contract exists	1865	VIII	11
where no money, has been fixed, rate of rent to be determined according to local usage	"	VIII	ib.
puttahs at a lower rate of, may be granted in certain cases ..	"	VIII	ib.
cannot be impeached for want of form, &c.,	"	IX	75
do do. do. ...	"	X	71
(Vide <i>Rates.</i>)			
ASSIGNEE			
landholder may delegate his powers under the Rent Act to his,	1865	VII	79
ASTROLOGER			
servants" used in Act IV of 1864	1864	IV	7
ATTACHMENT			
of land for arrears of Revenue, how and when to be made	1865	II	25—27
agreements entered into between landholders and tenants binding on Collector during,	"	II	32
withdrawal of,	"	II	34
a tenant, mortgagee, or other incumbrancer or person interested, may release land from,	"	II	35
expenses of, under Rent Act, how and by whom to be determined	"	VIII	34
ATTENDANCE			
(Vide <i>Summary Suit.</i>)			
ATTORNEY			
every, liable to Municipal tax	1858	IX	44
do. do. ...	"	X	46
AQUEDUCTS			
(Vide <i>Water.</i>)			
AUCTION, PUBLIC			
sale of immovable property for arrears of Revenue by,	1864	II	36
agents bidding at, to name their principals ..	"	II	ib.
sale of distress for arrears of Rent by, ...	1865	VIII	33

	ear.	Ac	Se
AUCTIONEER			
every, liable to Municipal tax	1865	IX	44
do. do.	„	X	
BALCONIES			
Commissioners may allow, to be put up in streets ...	1865	IX	110
BANKER			
every, liable to Municipal tax	1865	IX	44
do. do.		X	46
BANKS			
Bank of Madras empowered to purchase business of other, in India	1862		37
(Vide <i>Branch Banks.</i>)			
BANK OF MADRAS			
Act for regulating the,	1862	V	
to be a corporation		V	2
corporate powers of,		V	4
present rights and liabilities of, preserved		V	3
suits pending not to abate	„	V	ib.
power of Directors to increase capital		V	
shares to be divisible, and may be converted into con- solidated stock at option of proprietor		V	5,7
share certificates and stock receipts		V	9
stock and shares to be personalty		V	10
mode of transferring shares and stock		V	11
who are to be members of,		V	12
business of the, how and by whom to be managed ..	„	V	13—35
appointment and removal of Directors		V	13—17
voting at meetings of proprietors		V	18—22
mode of executing Bank documents		V	23,24
appointment and removal of clerks, &c.		V	25
Secretary, &c., not to trade, and to give security ..	„	V	26
business of, of what to consist		V	27
may draw bills payable out of India for constituents		V	28
may undertake business of Government Treasuries and of Currency Departments			29,36
no advances to be made on stock or shares or on immov- able property		V	30
books to be balanced, and statements of balance transmit- ted to Government half-yearly		V	31
accounts of profits when to be taken, and dividends how to be made		V	32
reserve fund		V	ib.
yearly and special general meetings		V	33,35
election of auditors		V	34

	Year	Chap.	Sec.
BANK OF MADRAS—<i>continued.</i>			
formation of branch banks and agencies	1862	V	36
may purchase business of other Banks in India . . .		V	37
debt of a proprietor how to be recovered		V	38
legal representative of deceased proprietor must take out Probate, Administration, or Certificate		V	
Directors may pass bye-laws subject to approval of Govern- ment	"	V	40
BARBER			
not a "Village servant" under Act IV of 1864 . . .	1864	IV	
BARRISTER			
every, liable to Municipal tax	1865	IX	44
do. do.	"	X	46
BARTERING			
the terms selling and sale include, in Act III of 1864 . . .	1864	III	
BATHING			
fouling water by,	1865	IX	148
do. do.		X	101
Commissioners may set apart places for,		IX	151
do. do.		X	100
BATTA			
rates of, payable to Process servers under the Revenue Act, to be fixed by the Board of Revenue	1864	II	53
BAZAARS			
Municipal Commissioners to determine what are to be considered, within the meaning of Act IX, 1865	1865	IX	45
BEER			
included in the definition of term "liquor" used in Act III of 1864	1864	III	
BILLIARD ROOM			
keeper of a, liable to Municipal tax	1865	IX	44
do. do.		X	46
BLOOD			
places used for boiling, to be registered	1865	IX	168
do. do.		X	114
BOARDING HOUSE-KEEPER			
owner of, liable to Municipal tax	1865	IX	44
do. do.		X	46
BOARD OF REVENUE			
may alter amounts and dates of payment of kist payable by landholders	1864	II	
confirmation of, necessary to apportionment of assess- ment by Collector on a sub-division of estate which may be sold for arrears of Revenue		II	46

	Year.	Act.	Sec.
BOARD OF REVENUE—continued.			
may fix rates of batta payable to persons employed to serve process under the Revenue Act	1864	II	53
may authorize Collectors to retain on account of Government the exclusive privilege of manufacture and sale of liquor, or to assign the same to individuals ..	„	III	4
may prescribe rules and forms of licenses under which manufacture and sale of liquor shall take place ...	„	III	5
may allow spirits to be excised	„	III	12
may order portion of proceeds of liquor, &c., confiscated, to be paid to informer or person making seizure	„	III	17
may permit or prohibit Home manufacture of liquor, &c. ..	„	III	28
may decide, in cases of doubt, as to what persons come under the designation of village servants to whom Act IV of 1864 applies	„	IV	7
may hear and decide appeals against decisions of Collectors in regard to claims and questions relating to village cess	„	IV	9,10
BOXES			
(Vide <i>Dust Boxes</i>)			
BRANCH BANKS			
Directors of Bank of Madras empowered to form business agencies, and,	1862	V	36
BREACH OF CONTRACT			
Act providing for the service of process in cases of complaint for,	1863	III	
BRICK			
(Vide <i>Kiln.</i>)			
BRIDGES			
Municipal Commissioners may construct, with sanction of Government	1865	IX	79
BRITISH SUBJECT			
(Vide <i>European British Subjects.</i>)			
BROKER			
every, liable to Municipal tax	1865	IX	44
do. do.	„	X	46
BUILDINGS			
Puttahs for land may be granted at a low rate of assessment for the erection of permanent,	1865	VIII	11
levy of rates on, (Vide <i>Rates.</i>)			
compensation for, taken up for Municipal purposes	„	IX	79—82
powers of Municipal Commissioners to sell, vested in them. ..	„	IX	83
erection of new, in streets to be in accordance with level and width fixed and approved by the Commissioners. ..	„	IX	97

	1865	IX	Sec
BUILDINGS—continued.			
such approval or disapproval to be signified by the Commissioners within one month ..	1865	IX	97
over sewers not to be erected without consent of Commissioners ..		IX	125
levels of, to be approved of by the Commissioners...		IX	127—132
erected without notice to Commissioners, or contrary to provisions of Act, may be altered or demolished... ..		IX	131
penalty for not lighting deposit of, materials in streets or excavations ..		IX	160
repairing and enclosing of dangerous, ..		IX	161
(Vide <i>Hoard</i> s, <i>Houses</i> , <i>Huts</i> .)			
BULLOCK			
tax on, ..	1865	IX	22
do. ..		X	58
toll on, entering Municipal limits ..		IX	36
do. do. ..		X	51
(Vide <i>Taxes</i> .)			
BURIAL GROUNDS			
to be registered... ..	1865	IX	170
new, not to be constructed without leave of Commissioners		IX	171
do. do. ..		X	117
Commissioners to issue certificates prohibiting use of improper, ..		IX	172
do. do. ..		X	118
Commissioners may provide new, ..		IX	173
do. do. ..		X	119
BURNING GROUNDS			
to be registered, ..	1865	IX	170
new, not to be constructed without leave of Commissioners		IX	171
do. do. do.		X	117
Commissioners may issue certificates prohibiting use of improper, ..		IX	172
Commissioners may provide new, ..		IX	173
do. do. ..		X	119
Commissioners may order certain, to be closed		X	118
BYE-LAWS			
Commissioner of Police at Madras empowered to make, for carrying out objects of Acts XIII of 1856 and XLVIII of 1860	1862	III	
Directors of the Bank of Madras empowered to make, for the management of the business of the Bank ..			40
Government may make, with regard to the number of peons to be employed for service of Process under Act XIII of 1859, the rate of their remuneration, &c.	1863	III	4

BYE-LAWS—*continued.*

Government may make, for preventing damage to, and regulating the traffic along the Madras Pier, ...	1863		14
School Commissioners appointed under the Madras Edu- cation Act empowered to make, providing for the— (a.) levy of taxes and duties for maintenance of schools (b.) appointment and remuneration, &c., of teachers, &c. (c.) branches of learning to be taught, and the rules of discipline to be enforced in the schools ..		VI	3,4
Board of Revenue empowered to make, relating to the manufacture and sale of liquor	1864	III	5
Government may make, for the levy of water cess in certain cases	1865	VII	
Municipal Commissioners may make,		IX	178-182
do. do.		X	143

CALLINGS

levy of tax on,	1865	IX	44
do. ..		X	46
(Vide <i>Taxes.</i>)			

CAMEL

tax on,	1865	IX	22
do.		X	58
toll on, entering Municipal limits		IX	36
do. do.		X	51

(Vide *Taxes*)

CAMPHOR HOUSE

owner of, to have the same registered	1865	IX	168
--	------	----	-----

CANTONMENTS, MILITARY—

Act providing for the administration of,	1865		
--	------	--	--

CARRIAGE

tax on,	1865	IX	22
do.		X	58
toll on, entering Municipal limits		IX	36
do. do. ...		X	51

(Vide *Taxes.*)

CARRIAGE-WAYS

(Vide *Streets.*)

CART STAND

keeper of a, to take out license	1865	IX	118
do. do.		X	120
Commissioners to provide places to be used as		X	121

	Year.	Act.	Sec.
CESS, VILLAGE—continued.			
on Inam lands to be levied on full assessment and full water tax which such lands would bear if they were not Inam	1864	IV	3
how to be recovered	„	IV	4
application of,	„	IV	5
penalty for unlawful collection of fees in districts to which Act is applied	„	IV	6
classes of village servants to whom the Act applies	„	IV	7
Collector and Board of Revenue to decide, in cases of doubt, who are village servants	„	IV	ib.
Civil Courts not to have jurisdiction in regard to, claims or questions relating to, to be adjudicated by Collector or Tahsildar, subject to appeal to Board of Revenue	„	IV	8
appeal to Board of Revenue	„	IV	8,9
appeal to Board of Revenue	„	IV	9
CEYLON			
Act XXV. of 1859 extended to native passenger vessels arriving from,	1862	II	1
CHANGER, MONEY—			
(Vide <i>Money Changer.</i>)			
CHANNELS			
sufficient number of, to be provided by the Commissioners	1865	IX	154
CHARGES			
or incumbrances on land of defaulter to be postponed to the payment of public revenue	1864	II	32
incurred under the Revenue Act, to be recovered as arrears of Revenue	„	II	51
CISTERNS			
for supply of water. (Vide <i>Water.</i>)			
CIVIL COURT			
summary jurisdiction of, to order delivery of property which has been fraudulently conveyed by a defaulter to prevent distress for arrear of Revenue	1864	II	
do. do. do. Rent	1865	VIII	26
summary jurisdiction of, to restore distrained property which has been forcibly or clandestinely taken away	1864	II	18
do. do. do.	1865	VIII	27
may dispose of claims to property distrained for arrears of Revenue	1864	II	17
cannot take cognizance of questions relating to rates of land revenue, or amounts of assessment fixed on portions of divided estate		II	

	Year	Act	Section
CIVIL COURT— <i>continued.</i>			
parties aggrieved by any proceedings under Revenue Act			
may appeal to, for redress	1864	II	59
decree of a, necessary to eject a tenant in certain cases.	1865	VIII	12
may entertain suit against distrainer of crops, &c., under			
Act VIII, 1865		VIII	32
suit may be instituted in, for reversal of delivery of possession to a landholder		VIII	44
appeal to, against judgments of Collector in summary suits		VIII	69, 76
may take cognizance of suits for recovery of Rent		VIII	87
to be guided by Act VIII of 1865 in suits relating to rates of Rent	„	VIII	ib.
(Vide <i>Limitation.</i>)			
CLAIMS			
to property distrained and sold for arrears of Revenue to be adjudicated by Civil Court	1864	II	17
do. for arrears of Rent to be adjudicated by Collector	1865	VIII	32
CLANDESTINE REMOVAL			
of property distrained for arrears of Revenue, how to be punished	1864	II	18
do. do. for arrears of Rent do. do. ...	1865	VIII	27
COAL DEPOT			
owner of, to register the same... ..	1865	IX	168
do. do.		X	114
COFFEE CLEANING ESTABLISHMENT			
owner of a, liable to Municipal tax... ..	1865	IX	44
do. do. ..			46
COLLECTION			
of rates and taxes by the Madras Municipal Commissioners	1865	IX	66—75
do. do. Towns do. „		X	72—76
(Vide <i>Madras Municipal Act, Towns Improvement Act.</i>)			
COLLECTOR			
certain agreements entered into between landholders and tenants binding on, during attachment ..	1864	II	
liability of, to suit for refusing to recognize certain agreements entered into between landholder and tenant		II	ib.
payments by tenants to a landholder who is a defaulter, when valid against, and when not ...		II	33
may make apportionment of assessment on sub-division of an estate sold for arrears of Revenue		II	45

	Year.	Act.	Sec.
COLLECTOR—continued.			
may demand from landholders and curnums of villages accounts of produce, &c., to enable him to apportion assessment on sub-division	1864	II	45
one, may apply to another, for proceeding against the surety of a defaulter for recovery of arrears of Revenue	,,	II	57
suit against, to survive against his successor ..	,,	II	60
not personally liable for act of predecessor ..	,,	II	ib.
powers of, to lay down rules, in certain cases, for the manufacture and sale of liquor	,,	III	6
powers of, to recover arrears due to Government by Abkary renters	,,	III	10
validity and effect of a permit granted by, or his assistants, for transit of liquor	,,	III	16
may confiscate liquor passing without permit ..	,,	III	17
to decide, in cases of doubt, who are village servants under Act No. IV of 1864, Section 7 ..	,,	IV	7
to decide claims and questions relating to village cess...	,,	IV	8
Government may prescribe what official seal shall be used by,	1865	VI	1
definition of the term, in Act VIII of 1865 ..	,,	VIII	ib.
may award compensation to a tenant from whom any sum is unauthorizedly exacted	,,	VIII	5
may try a summary suit for grant of puttah to, or enforce- ment of acceptance by, a tenant	,,	VIII	8,9,10
may order ejectment of tenant for refusal to grant Mu- chilka	,,	VIII	10
may decide disputes as to rates of Rent	,,	VIII	11
may notice irregularity committed by distrainers under the color of Rent Act	,,	VIII	17
may adjudicate claims preferred by third parties to crops, &c., attached for arrears of Rent	,,	VIII	32
powers of, in regard to summary suits preferred under	,,	VIII	60
all awards under the judgment of a, leviable in the same way as arrears of Revenue	,,	VIII	70
COLLECTOR, TAX—			
to give security... ..	1865	X	24
COMMISSION			
rate of, on sales under Rent Act	1865	VIII	33
such commission to be carried to credit of Government...	,,	VIII	ib.
COMMISSION AGENT			
every, liable to Municipal tax... ..	1865	IX	44
do, do.	,,	X	46

	ear.	ec
COMMISSIONER OF POLICE		
concurrency of, necessary to temporary erections in streets allowed by Municipal Commissioners on occasions of festivals, &c.	1865	IX| 95
COMMISSIONERS		
(Vide <i>Municipal Commissioners.</i>)		
COMMISSIONERS, SCHOOL		
(Vide <i>Schools.</i>)		
COMPENSATION		
Collector may award, to a tenant from whom any sum is exacted in excess of the rent	1865	VIII|
do. for irregular distraint of property for ar- rear of Rent		„ VIII|
for lands and houses, &c., taken up or pulled down by Municipal Commissioners.....		IX| 79,82, 99,102 109
for lands taken up by Town Commissioners ...		X| 15
for damage done to owner of land, in or through which public sewers may be constructed by Municipal Com- missioners		IX| 121
Commissioners empowered to make, out of Municipal Funds		IX| 187
do. do. do.		X| 142
amount of, how to be determined		IX| 189
COMPLAINTS		
under the Madras Municipal Act, to be made months after commission of offence	1865	IX| 195
COMPOUNDING		
for payment in lieu of taxes (Vide <i>Taxes, Tolls.</i>)		
CONDUITS		
(Vide <i>Water.</i>)		
CONFISCATION		
of liquor passing without permit ..	1864	III| 17
portion of proceeds of property confiscated may be granted to informer or person making seizure		III| ib.
CONSERVANCY		
of the Town of Madras (Vide <i>Houses, Sewers, Streets,</i>		
CONSOLIDATED STOCK		
(Vide <i>Bank of Madras.</i>)		

	Year.	Act.	Sec.
CONTRACTS			
for rent, expressed or implied, may be enforced ..	1865	VIII	11
certain, entered into by the Municipal Commissioners to be in writing	„	IX	4
by and on behalf of the Municipal Commissioners how to be executed,	„	IX	16
what, entered into by Town Commissioners need be under seal..... ..	„	X	9
how and by whom to be executed on behalf of Town Com- missioners..... ..	„	X	9,10
Town Commissioners not personally liable for, but only for wilful misapplication, &c., of money, &c.	„	X	16
(Vide <i>Breach of Contract, Engagements, Punishments.</i>)			
CONVEYANCE			
(Vide <i>Fraudulent Conveyance.</i>)			
COSTS			
to be deposited before issuing process in a summary suit...	1865	VIII	62
plaintiff when liable to pay, of a summary suit ..	„	VIII	59
COTTON PRESS			
owner of, liable to tax... ..	1865	IX	44
do. do.	„	X	46
COUNTERMANDED SALES			
expenses of, to be borne by defaulter	1864	II	55
do. do.	1865	VIII	31
COURT, CIVIL—			
Municipal Commissioners may be sued in, for damages on account of irregularity committed by them in matter of distress...,	1865	IX	72
do. may sue a party in a, for rate or tax due instead of proceeding by distress.....	„	IX	73
COURT OF SMALL CAUSES, MADRAS—			
may determine question of title under Sec. 99 of the Madras Municipal Act, 1865... ..	1865	IX	99
COURTS, DISTRICT—			
Local Government may change stations of,	1865	I	1
CRIMINAL PROCEDURE CODE			
amendment of Schedule annexed to, referring to Section 174 of the Indian Penal Code.	1863	I	2
CROPS			
distrained for arrears of Revenue, how to be dealt with ...	1864	II	11
do. do. of Rent do.	1865	VIII	21

	Year.	Act.	Sec.
CROPS—continued.			
removal of, may be prevented where Revenue is payable			
in kind 	1864	II	51
may be distrained for arrear of Rent ...	1865	VIII	14
claims to, upon ground attached in the possession of			
defaulter how to be adjudicated 	„	VIII	32
CROWDING			
of Vessels with Passengers,			
(Vide <i>Overcrowding.</i>)			
CULVERTS			
(Vide <i>Sewers.</i>)			
CURNUMS			
(Vide <i>Accounts, Karnam.</i>)			
CURRENCY DEPARTMENTS			
Bank of Madras may undertake business of, 	1862	V	29,36
DAMAGES			
Collector may award, to tenant who may have been refused			
puttah by landholder 	1865	VIII	8
Collector may award, to landholder for refusal of tenant			
to accept puttah 	„	VIII	10
tenant ejected without authority may sue for, ...	„	VIII	12
tenant may sue distrainer for, on account of illegal distraint			
of property for arrear of Rent 	„	VIII	17
how to be determined, under the Madras Municipal Act..	„	IX	189
how to be recovered,	„	IX	191
to Commissioners' property, to be made good in addition			
to penalty 	„	IX	196
do. do. do. do.	„	X	136
recovery of, under Act X of 1865..... 	„	X	144
(Vide <i>Distrained Property.</i>)			
DANGEROUS PLACES			
repairing and enclosing of, 	1865	IX	161
do. do. 	„	X	104
TRADES			
to be registered 	„	IX	168
do. do. 	„	X	114
DEALERS			
horses and carriages kept by <i>bond fide</i> , exempt from tax ...	1865	IX	22
DEBENTURE			
Municipal Commissioners may borrow money by way of,			
for constructions of works of permanent nature, &c.	„	IX	76
do. do. do. do.	„	X	77
form of, 	„	IX	76
do. 	„	X	87

DEBENTURE—*continued.*

transfer of, by endorsement	1865	IX	76
do. do.		X	80
payment of, by fresh mortgage of rates, &c.		X	79

DEBT

due to Government on account of arrears of Revenue, not to be extinguished by arrest or imprisonment of defaulter or surety	1864	II	
---	------	----	--

DEFAULTER

(Vide *Engagements, Rent, Revenue, Tenant.*)

DENTIST

every, liable to Municipal tax ...	1865		44
do. do. ..		X	46

DEPOSIT

of costs—(Vide <i>Costs.</i>) ...			
places of, for filth and rubbish collected in streets, to be provided by Commissioners ...		IX	91
do. do. do.		X	81

DEPOT, PRODUCE—

keeper of a wholesale, liable to Municipal tax ...	1865	IX	44
do. do. ...		X	46

DIRT

and rubbish collected in streets, &c., to be property of Municipal Commissioners	1865	IX	92
do. do.		X	83

DISOBEDIENCE TO SUMMONS

punishable by Sub-Magistrates, 2nd Class, under Section 174 of the Indian Penal Code.. 1863		
---	-----------	--	--

DISQUALIFIED LANDHOLDERS

(Vide *Managers.*)

DISTILLATION

licenses for, of spirits by the European process, granted on payment of fee or of an excise duty...	1864	III	12
penalty for breach of license for,		III	18

DISTRAINED CATTLE

or goods cannot be used by distrainer under Revenue Act.	1864	II	12
do. do. under Rent Act..	1865	VIII	23

(Vide *Distress.*)

DISTRAINED CROPS, &c.

how to be dealt with under the Revenue Act ...	... 1864	II	11
tenant may pay arrears of Revenue and terminate attach- ment .....	...	II	ib.
mode of dealing with, under Rent Act ...	... 1865	VIII	21
Cattle, &c, cannot be used by distrainer ...	... 1864	II	12

	Year.	Act.	Sec.
DISTRAINED CROPS, &c.—continued.			
loss or damage caused by neglect to, under Revenue Act,			
how and from whom to be recovered	1864	II	13
claims to, to be disposed of by Civil Court	"	II	17
sale of,	"	II	22,24,
appraisement of, under the Rent Act	1865	VIII	16
may be restored to owner in certain cases	"	VIII	17
sale of, under Rent Act	"	VIII	18,33
distrainer under Rent Act liable for loss of, or injury to, ..	"	VIII	20
cannot be used by distrainer	"	VIII	23
payment on the purchase of, how to be made	"	VIII	35
(Vide <i>Distress</i> .)			
DISTRAINER			
cannot use cattle or goods distrained... ..	1864	II	12
liable for loss or damage caused to distrained property by			
neglect	"	II	13
liable for value of property improperly distrained	"	II	17
powers of, to force open certain places to attach property			
for arrears of Revenue	"	II	19,20
powers of, under the Rent Recovery Act	1865	VIII	28,29
effect of irregularity committed by,	"	VIII	17
liable for loss or damage sustained by tenant	"	VIII	17
may procure assistance of Police	"	VIII	19
liable for loss of, or injury to, property distrained ...	"	VIII	20
liable to suit in Civil Court, for illegal attachment of			
crops for arrears of Rent	"	VIII	32
cannot use cattle, &c., distrained... ..	"	VIII	35
(Vide <i>Distress</i> .)			
DISTRESS			
of movable property for arrears of Revenue... ..	1864	II	8—25
(Vide <i>Revenue</i> .)			
of movable property for recovery of penalties imposed			
under the Abkary Act	"	III	30
imprisonment when no sufficient property for, can be had... ..	"	III	31,32
finer imposed under Act XXIV of 1859 may be levied by,			
and sale of property of offender	1865	V	1
arrear of Rent may be recovered by, of crops or other			
property	"	VIII	14
written notice of, to be sent to Collector	"	VIII	16
may be withdrawn if arrear is tendered before day of sale	"	VIII	22
time for,	"	VIII	25
do... ..	1864	I	15
to be proportionate to the arrear	1865	VIII	24
do. do.	1864	II	14

	Year.	Act.	Sec.
DISTRESS—continued.			
of goods and chattels for non-payment of rates and taxes demanded by the Municipal Commissioners ..	1865	IX	67,70
do. do. do. ...	„	X	74,76
notice of, ...	„	IX	68
do. ...	„	X	75
sale of, ...	„	IX	69
do. ...	„	X	76
fees chargeable for, ...	„	IX	69
do. do. ...	„	X	76
not unlawful, for want of Form	„	IX	72
Municipal Commissioners may be sued for damages for irregularity committed in making, ...	„	IX	72
instead of proceeding by, Municipal Commissioners may sue a party for rate or tax due ...	„	IX	73
do. do. do. ...	„	X	141
recovery of damages and expenses by, under the Madras Municipal Act.....	„	IX	191
recovery of fines and penalties by, under the Madras Muni- cipal Act	„	IX	193
(Vide <i>Distraigned Cattle, Distraigned Crops, and Distrainer.</i>) (Vide <i>Rates.</i>)			
DISTRICT JAILS (Vide <i>Jails.</i>)			
DISTRICT MUNSIFES (Vide <i>Small Cause Jurisdiction.</i>)			
DISTRICTS			
The Municipal Commissioners may divide the Town of Madras into, for purposes of valuation and measurement.	1865	IX	53
Local Government may alter limits of, or Zillahs ...	1864		
DIVIDENDS			
of profits of the Bank of Madras, when and how to be paid.. ..	1862	V	32
of proprietor indebted to Bank may be withheld until payment of debt	„	V	38
DOCTOR, NATIVE—			
every, liable to Municipal tax ...	1865	IX	44
do. do. ...		X	46
DOCUMENTS (Vide <i>Summary Suit.</i>)			
DOG			
tax on,	1865	IX	22
(Vide <i>Taxes.</i>)			
DOORS			
not to open outwards so as to cause obstruction in public	1865	IX	105,106

	Year.	Act.	Sec.
DRAINS,			
the construction, repair and cleansing of, to be provided for, out of the Municipal Funds ...	1865	X	25
all branch, to be under control of Commissioners, and kept in good order by owners	„	IX	137
do. do. do. ...	„	X	95
if owner neglects, Commissioners to keep branch, in order and recover expenses from owner ..	„	IX	137
do. do.	„	X	95
inspection of, by Commissioners	„	IX	139
do. do.	„	X	98
sufficient number of, to be provided by the Commissioners	„	IX	154
penalty for making, &c., contrary to Commissioners' orders	„	X	138
do. do.	„	X	96
DUST BOXES			
for removal of rubbish, &c., to be provided by Municipal Commissioners	1865	IX	87
do. do.	„	X	84
DUTIES			
levy of, for the establishment and maintenance of schools in the Madras Presidency	1863	VI	4
DUTY, EXCISE—			
(Vide <i>Excise.</i>)			
DWELLING HOUSES			
puttahs for land may be granted at a low rate of assessment, for the erection of,	1865	VIII	11
DYEING HOUSE			
owner of, must register the same... ..	1865	IX	168
do. do.	„	X	114
EDUCATION ACT			
(Vide <i>Schools.</i>)			
EJECTMENT			
of tenant for refusal to execute Muchilka... ..	1865	VIII	10
of tenant without due authority,.. ..	„	VIII	12
of do. for non-payment of Rent	„	VIII	41
effect of,	„	VIII	44
ELEPHANT,			
tax on,	1865	IX	22
do. do.	„	X	58
toll on, entering Municipal limits.. ..	„	IX	36
do. do.	„	X	51
(Vide <i>Taxes.</i>)			
ENCROACHMENTS			
in public streets, how to be dealt with	1865	X	95, 108
do. do.	„	X	109
			122-124

	Year.	Act.	Sec.
ENFRANCHISED INAMS			
exempted from the operation of Regulation IV of 1831 and Acts XXXI of 1836 and XXIII of 1838 ..	1862	IV	1
evidence of enfranchisement	"	IV	2
ENGAGEMENTS			
entered into between landholder and tenant binding on Collector during attachment... ..	1864	II	32
made collusively to defeat effect of attachment not binding..	"	II	ib.
made subsequent to attachment not binding	"	II	ib.
for lease of land at rates lower than usual rates of assess- ment not binding on Collector during attachment, unless made <i>bond fide</i> for erecting factories, or build- ings, or bringing waste land into cultivation ...	"	II	ib.
entered into by defaulter with tenants, and payments to him by them how far binding on a purchaser of land at a public sale .. .	"	II	41
to be entered by person who is placed in charge of a still or shop for the manufacture and sale of liquor ...	"	III	8
written, to be exchanged between landholder and tenant..	1865	VIII	3
(Vide <i>Muchilka, Puttah.</i>)			
ENGINES			
for watering streets, to be provided by the Commissioners	1865	IX	93
ENGINEER, CIVIL—			
every, liable to Municipal tax.	1865	IX	44
do. do.	"	X	46
ENQUIRY, LOCAL—			
(Vide <i>Summary Suit.</i>)			
ENTRY, UNLAWFUL—			
punishment for, into zenanas or apartments of women to attach property under Revenue Act ...	1864	II	21
do. do. under Rent Act...	1865	VIII	30
EQUIPAGES,			
Military, exempt from Municipal tolls...	1865	IX	38
do. do.	"	X	53
ERLECTIONS,			
(Vide <i>Temporary erections.</i>)			
ESTATES.			
powers of Managers of, of disqualified landholders, to proceed against tenants for arrears of Rent ...	1865	VIII	85
ESTIMATE			
of income and expenditure to be submitted to Government by the Madras Municipal Commissioners, annually...	1865	IX	17
to be sanctioned by Government... ..	"	IX	18
new works not provided for in the, at a cost exceeding 1,000 rupees, cannot be commenced without previous sanction of Government... ..	"	IX	ib

	Year.	Act.	Sec.
ESTIMATE — <i>continued.</i>			
of probable expenditure of the Police to be submitted to the Town Commissioners by the Superintendent of Police	1865	X	30
Annual, of expenditure to be submitted to Government by the Town Commissioners...	„	X	31
EUROPEAN BRITISH SUBJECTS			
finer imposed on, under Act XXIV of 1859, how to be recovered... ..	1865	V	4
EVIDENCE			
of Police officers who witnessed proceedings of distrainer under Rent Act may be given in certain cases ...	1865	VIII	19
mode of taking, in summary suits	„	VIII	63
EXAMINATION			
by Municipal Commissioners of gas and other works, by which public streams, &c., may have been fouled.....	1865	IX	149
EXCAVATION			
in streets, for deposit of building materials, may be allowed by Commissioners... ..	„	IX	160
EXCISE			
licenses may be granted on payment of an, duty to manufacture and sell liquors	1864	III	4
licenses may be granted on payment of an, duty for distillation of spirits by the European process.....	„	III	12
of spirits may be allowed at the discretion of the Board of Revenue	„	III	ib.
EXECUTION			
(<i>Vide Summary Suit.</i>)			
EXPENDITURE,			
estimate of, and income to be submitted to Government, annually, by the Municipal Commissioners..	1865	IX	17
do. do	„	X	31
EXPENSES			
(<i>Vide Damages.</i>)			
EXTORTION			
(<i>Vide Punishment.</i>)			
FACTORIES			
puttahs for land may be granted at a low rate of assessment for the erection of,	1865	VIII	11
FARMERS			
of public Revenue may proceed against sub-renters for arrears of Rent under Act VIII of 1865	„	VIII	86
FARMING			
(<i>Vide Land Revenue.</i>)			

	Year.	Act.	Sec.
FEEES			
payable to, or on behalf of, village servants, may be recovered as arrears of Revenue	1864	II	52
(Vide <i>Village Cess.</i>)			
to be charged by the Municipal Commissioners for notice of demand of tax, &c., issued by them... ..	1865	IX	67
payable upon distraints under Act IX of 1865... ..	"	IX	69
payable upon distraints under Act X of 1865... ..	"	X	76
FEMALES			
exempt from arrest for non-payment, &c., of Revenue to Government	1864	II	48, 49
(Vide <i>Zenana.</i>)			
FENCES			
(Vide <i>Heards.</i>)			
FESTIVALS			
temporary erections in streets allowed on occasions of, ...	1865	IX	95
do. do. do.	"	X	122
FINES			
imposed under Act XXIV of 1859, for offences punishable by Magistrates may be recovered by distress and sale of property of offender	1865	V	1
procedure where no sufficient distress can be had for levy of,	"	V	2, 3
procedure if offender be a European British subject.....	"	V	4
recovery of, under the Towns Improvement Act	"	X	137, 139
			149
FIRM			
persons employed in a trading, whose salary exceeds Rs. 50, liable to Municipal tax... ..	1865	IX	44
do. do.	"	X	46
FORCIBLE REMOVAL			
of property distrained for arrears of Revenue, how to be punished	1864	II	13
do. do. for arrears of Rent do. do.	1865	VIII	27
FORFEITURES			
(Vide <i>Fines.</i>)			
FORM			
distress not unlawful for want of,	1865	IX	72
assessment not to be impeached for want of,	"	IX	75
proceedings of Municipal Commissioners under Act IX of 1865 not to be quashed for want of,	"	IX	ib.
FOOT-WAYS			
(Vide <i>Streets.</i>)			
FORT ST. GEORGE			
houses, buildings, and lands situate in, not liable to the Municipal rates	1865	IX	50

	Year.	Act.	Sec.
FOULING			
water by bathing, or washing animals or things...	1865	IX	148
do. do. ...	"	X	101
water by offensive trade, ..	"	IX	149
(Vide Water.)			
FRAMES, WEATHER			
(Vide Weather Frames.)			
FRAUDULENT CONVEYANCE			
penalty for, of property by defaulter to prevent distress for arrears of Revenue ...	1864	II	16
do. do. do. do. Rent...	1865	VIII	26
FUND			
(Vide Municipal Fund.)			
GANJAM			
levy of port dues in the port of,	1862	I	
rates of port dues chargeable on vessels, dhonies, &c., entering port of,	"	I	1—4
notification of port dues	"	I	6
GAS			
fouling water by, works ...	1865	IX	149
situation of, pipes or works laid in streets, may be altered by Commissioners.....	"	IX	156,157
GATES			
not to open outwards, so as to cause obstruction in public streets.....	1865	IX	105,106
GODAVERY DISTRICT			
(Vide Schools.)			
GOVERNMENT			
horses and carriages belonging to, exempted from Municipal tax	1865	IX	22
carriages belonging to, need not be registered	"	IX	32
do. do.	"	X	66
servants holding office under, on salaries exceeding 50 Rs. a month, liable to Municipal tax	"	IX	44
do. do.	"	X	46
GOVERNMENT TREASURIES			
Bank of Madras may undertake business of, ...	1862	V	29,36
GUN CARRIAGES			
exempted from Municipal tax ...	1865	IX	22
need not be registered... ..	"	IX	32
do. do. ...	"	X	66
HACK STABLE			
(Vide Livery Stable.)			
HAWKER			
every, liable to Municipal tax...	1865	IX	44
do. do. ..	"	X	46

	Year.	Act.	Sec.
HAY DEPOT			
owner of, to register the same...	1865	IX	168
do. do.	"	X	114
HEADMAN			
of village entitled to the benefit of the Village Cess Act...	1864	IV	7
HEDGES			
power of Commissioners to trim, in public streets	1865	IX	117
do. do.	"	X	131
HEIRS			
(Vide <i>Legal Representative.</i>)			
HIDES			
(Vide <i>Press.</i>)			
HIGH COURT			
opinion of, may be obtained by Magistrates to whom appeals may be preferred under the Madras Municipal Act	1865	IX	68
HIGHWAY			
defined in Act X, 1865...	1865	X	2
HIGHWAYS			
public, vested in the Town Municipal Commissioners ..	1865	X	11
Town Commissioners may take over and repair certain....	"	X	12
HOARDS			
to be put up in ruinous buildings, for the protection of passengers	1865	IX	112
to be set up during repairs of building, &c.	"	IX	158
HOME MANUFACTURE			
of liquor, &c., may be permitted at the discretion of Board of Revenue...	1864	III	28
may be prohibited within certain limits	"	III	ib.
HORSE			
tax on	1865	IX	22
do.	"	X	58
toll on, entering Municipal limits..	"	IX	36
do. do.	"	X	51
meaning of the word in Act X, 1865...	"	X	2
(Vide <i>Taxes.</i>)			
HOTEL KEEPER			
every, liable to Municipal tax	1865	IX	44
do. do.	"	X	46
HOUSES			
levy of rates on, (Vide <i>Rates.</i>)			
compensation for, taken up for Municipal purposes	1865	IX	79, 82
compensation for pulling down, projecting beyond line of streets... ..	"	IX	102

HOUSES—*continued.*

may be set forward for improving line of streets...	1865	IX	101
projecting beyond line of streets, when taken to be set back		IX	102
numbers on,...	...	IX	104
do. ..	...	X	
doors, &c., of, not to open outwards, so as to cause ob-			
struction in streets...	...	IX	105, 106
owners of, may be required to put up troughs and pipes			
for catching and carrying water from roof, &c...	...	IX	107
removal of projections, &c., placed against or in front of,		IX	{ 108, 109
compensation for such removal...		IX	109
Commissioners may allow certain projections from,		IX	110
roofs and external walls of, not to be made of inflammable			
materials...	...	IX	111
in a ruinous and dangerous state to be repaired or pulled			
down...	...	IX	112
do. do. do.		X	105
owners of, in a ruinous state may be required to put up			
hoards or fences for protection of passengers ...	„	IX	112
sale of materials of ruinous, pulled down by Commissioners	„	IX	113
do. do. do.	„	X	107
deserted, which may be resorted to by idle and disorderly			
persons, how to be secured, enclosed, &c.		IX	114
penalty on occupier of, not removing filth..		IX	115
do. do. do.		X	88
do. keeping, in a filthy or unwholesome state		IX	116
do. do. do.		X	
over sewers not to be constructed without consent of Com-			
missioners...	...	IX	125
owners of, to remove night soil, &c., to carts of Com-			
missioners...	...	X	82
level of, which may hereafter be built to be subject to			
approval of Commissioners ....	...	IX	127—132
hereafter constructed to have drains as directed by Com-			
missioners...	...	IX	128
notice of intention to build or re-build, to be given to Com-			
missioners...	...	IX	
plan of, proposed to be built to be sent to Commissioners.		IX	ib.
approval or disapproval of Commissioners to levels of, to			
be signified in one month...	...	IX	130
if Commissioners fail to signify approval within one month			
parties may proceed without...	...	IX	

INDEX

	e	Act.	
built without notice to Commissioners or contrary to pro-			
vision of Act may be altered or demolished... ..	1865	IX	131
owner of, to provide latrines and keep the same clean..		IX	134
meaning of the word, in Act X of 1865,		X	2
(Vide <i>Dwelling Houses</i> .)			
HUTS			
levy of rates on, for Municipal purposes... ..	1865	IX	49
erection of new, to be under control of the Municipal			
Commissioners... ..		IX	98
do. do. do.		X	
power of Municipal Commissioners as to existing, ..		IX	99
do. do. do.		X	127
owners of existing, may be required to execute such opera-			
tions as may be necessary for avoiding risk, &c.....		IX	
Commissioners may, in certain cases, pull down existing..		IX	ib.
materials of, pulled down by Commissioners, may be sold ..		IX	ib.
proceeds of sale of, to be paid to owners... ..		IX	ib.
do. may be held in deposit till ownership			
is proved in the Madras Court of Small Causes		IX	ib.
roofs and external walls of, not to be made of grass,			
leaves, mats, or other inflammable materials.....		IX	111
do. do. do. ..		X	130
IMMEMORIAL WASTE			
(Vide <i>Waste Lands</i> .)			
IMMOVABLE PROPERTY			
Bank of Madras cannot grant advances or loans on mort-			
gage of,	1862	V	30
attachment and sale of, for arrears of Revenue.	1864	II	25
			et seq.
sale of, for arrears of Rent.	1865	VIII	38
IMPRISONMENT			
of defaulter or surety on account of arrears of Revenue			
not to extinguish debt... ..	1864	II	48
for non-payment of penalties imposed under the Abkary Act ..		III	31,32
for non-payment of fines imposed under Act XXIV of 1859	1865	V	2,3
of defaulter for arrears of Rent,		VIII	48
do. do. Revenue,	1864	II	ib.
landholder not liable to, for acts of his Agent, &c.	1865	VIII	
IMPROVEMENTS			
landholder may raise rent upon his lands on account of, ...	1865	VIII	11
landholder may grant puttah for his land at a low rate of			
assessment for the purpose of making, thereon ..		VIII	ib.

	Year.	Act.	Sec.
INAMDARS			
comprised in the term "landholder" used in Act II of			
.....	1864	II	1
lands held by, subject to water cess in certain cases	1865	VII	4
comprised in the term "landholder" used in Act VIII			
of 1865	"	VIII	1
INAMS (ENFRANCHISED)			
exempted from the operation of Regulation IV of 1831 and			
Acts XXXI of 1836 and XXIII of 1838 ..	1862	IV	1
evidence of enfranchisement		IV	2
INCOME			
estimate of, and expenditure to be submitted to Government			
annually by the Madras Municipal Commissioners ...	1865	IX	17
do. do. by Town Commissioners ...		X	31
INCUMBRANCER			
may release land from attachment or sale, and recover debt			
from defaulter... ..	1864	II	35,37
INCUMBRANCES			
on land of defaulter to be postponed to the payment of			
public Revenue.... ..	1864	II	
sale of land at a public sale on account of arrears of Revenue			
to be free from all,		II	42
INDIAN PENAL CODE			
Sub-Magistrates, 2nd Class, empowered to punish dis-			
obedience to summons under Section 174 of the, ..	1863		
INFLAMMABLE MATERIALS			
roofs and external walls of huts, &c., not to be made of,..	1865	IX	111
do. do. do.			130
INFORMER			
portion of proceeds of liquor, &c., confiscated may be paid			
to,.... ..	1864		17
INSPECTION			
power of Commissioners to enter lands for purposes of, ...	1865	IX	174
INTEREST			
on arrears of Revenue to run at 6 per cent. per annum.	1864	II	7
on arrears of Rent do. at 12 per cent. do ...	1865	VIII	37
may be recovered as arrears of Revenue	1864	II	54
do. do. do. of Rent.	1865	VIII	33
ARITY			
of, committed by distrainers under colour of Rent			
Act	1865	VII	17
effect of, in sale,	"	VIII	

	Year.	Act.	Sec.
IRREGULARITY—continued.			
Municipal Commissioners may be sued for damages committed by them in the distraint of property for non-payment of rate, tax, &c.	1865	IX	72
IRRIGATION			
Act providing for the levy of a cess for the use of water supplied for, purposes in certain cases	1865	VII	
landholder may raise rent upon his lands for additional value imparted on account of works of,	„	VIII	11
ITINERANT DEALER			
every, liable to Municipal tax...	1865	IX	44
do. do. ...	„	X	46
JAGHIREDARS			
included in the term “landholder” used in Act II of 1864	1864	II	1
included in the term “landholder” used in Act VIII of 1865	1865	VIII	ib.
JAILS			
Local Government may place Zillah, in charge of Officers other than Session Judges or Judges of Subordinate Criminal Courts	1865	II	ib.
JOINT STOCK COMPANY			
a shareholder of a, not incapable of being employed as a Municipal Commissioner...	1865	IX	12
do. do. as Town Commissioner	„	X	17
persons holding appointment in a, when salary exceeds 50 Rupees liable to Municipal tax... ..	„	IX	44
do. do. do. ...	„	X	46
JUDGE, CIVIL— (Vide <i>Small Cause Jurisdiction, & Civil Court.</i>)			
JUDGE, SUBORDINATE— (Vide <i>Small Cause Jurisdiction.</i>)			
JUDGMENT (Vide <i>Summary Suit.</i>)			
JURISDICTION			
of Magistrates over offences against Act XXV of 1859 and (Madras) Act II of 1862 ..	1862	II	2
of Magistrates to take cognizance of offences against Bye- Laws made and published by Commissioner of Police under Act III of 1862	„	III	5
of Sub-Magistrates, 2nd Class, to take cognizance of offences under Section 174 of the Indian Penal Code	1863	I	1
investiture of certain Courts in the Madras Presidency with Small Cause,	„	IV	ib.
of Magistrates of Police for the Town of Madras to take of offences under the Pier Act	„	V	15

JURISDICTION—continued.

of Civil Courts in cases of fraudulent conveyance of			
property to prevent distress for arrears of Revenue	1864	II	16
do. do. for arrears of Rent	1865	VIII	26
of Civil Courts in cases of forcible or clandestine removal			
of property distrained	1864	II	18
do. do. for arrears of Rent ...	1865	VIII	27
of Civil Courts in suits by persons aggrieved by proceed-			
ings under Revenue Act	1864	II	59
do. do. under Rent Act.... .	1865	VIII	69,76
of Magistrates over offences created by Special and Local			78,87
		III	
of Magistrates to take cognizance of offences under the			
Abkary Act	1864	III	{ 18,19 to 26

JURISDICTION, SPECIAL—

meaning of, in Madras Act IV of 1863 ...	1863	IV	
--	------	----	--

JUTE PRESS(Vide *Press.*)**KARNAM**

is a village servant under Act IV of 1864	..... 1864	IV	
(Vide <i>Accounts.</i>)			

KILN

brick, pottery or lime, to be registered...	1865	IX	168
do. do. ..		X	114

KISTS

landholder when and to whom to pay his, ..	1864	II	3
arrears of, how to be recovered..... ..		II	5,6

LAMPS

and lamp posts to be provided by Commissioners for			
lighting streets..... ..	1865	IX	94

LAND

regarded as security for public Revenue .	1864	II	2
all charges or incumbrances upon, belonging to a defaulter,			
postponed to the payment of public Revenue .		II	ib.
persons farming, from a landholder or farming the land			
Revenue under Government comprised under the term			
“landholder” in Act VIII of 1865	1865	VIII	
power of landholdertotoselldefaulter’s interest in, on account			
of arrears of Rent		VIII	38
meaning of the word, in Act IX of 1865...	... ..		2
do. in Act. X of 1865...			ib.

LAND—*continued.*

levy of rates on,	1865	IX	
do.		X	38
(Vide <i>Rates.</i>)			
compensation for, taken up for Municipal purposes ..		IX	79,82
powers of Municipal Commissioners to sell, vested in them		IX	83
do. of Town Commissioners to purchase and sell ..		X	14
any, may be declared to be needed for a public purpose...		X	15
(Vide <i>Attachment, Compensation, Incumbrances, Mortgagee, Waste Land.</i>)			

LANDHOLDER

to pay water cess for lands irrigated by Government works in certain cases	1865	VII	4
definition of term, in the Madras Revenue Act	1864	II	1
do. in the Rent Recovery Act	1865	VIII	ib.
when and to whom to pay his kist	1864	II	3
agreements entered into between, and tenant binding on Collector during attachment		II	32
how to proceed against tenant for enforcing arrears of Rent	1865	VIII	2
written agreements to be exchanged between, and tenants. ,,		VIII	3
engagements of, termed puttah..... ..		VIII	ib.
how to proceed when puttah is refused by tenant ...		VIII	9
may raise rent upon his lands for additional value imparted by works of irrigation or other improvements		VIII	11
puttah granted by a, at a low rate of assessment not to bind successor, except in certain cases		VIII	ib.
cannot eject tenant without a decree of Civil Court, except for refusal to accept puttah or for non-payment of Rent		VIII	12
powers of, to distrain property for arrears of Rent		VIII	14
effect of irregularity committed by, in distraining property.		VIII	17
may sell defaulter's interest in land, for arrears of Rent...		VIII	38
tenancy between, and defaulter to cease upon ejectment of tenant		VIII	43
may delegate his powers under the Rent Act to his Agent or Assignee		VIII	
liability of, to acts of Agent, &c.		VIII	ib.
may proceed against tenant or his security or both for arrears of Rent		VIII	84
may file suits in Civil Courts for arrears of Rent		VIII	87
(Vide <i>Revenue.</i>)			

LAND REVENUE

persons farming the, under Government, comprised under in Act VIII of 1865 ...	1865	VIII	
--	------	------	--

	Year.	Act.	Sec.
LATRINES			
Municipal Commissioners to provide common, ...	1865	IX	134
licensing of public, ...	"	IX	135
owner of a house standing on land of an area exceeding 8 grounds to provide a good and sufficient, ...	"	IX	134
LAWS			
(Vide <i>Local and Special Laws.</i>)			
LEASE			
surrender of, by tenant ...	1865	VIII	12
(Vide <i>Engagements.</i>)			
LEAVE OF ABSENCE			
to President and paid Municipal Commissioners of Madras may be granted by Government ...	1865	IX	10
LEGAL REPRESENTATIVE			
(Vide <i>Representative.</i>)			
LEVELS			
of streets newly erected how to be fixed ..	1865	IX	97
of houses hereafter built, to be fixed by Commissioners ...	"	IX	127,132
if Commissioners do not signify their approval of proposed, in one month, parties may proceed without ...	"	IX	132
LIABILITY			
of distrainer for neglect, &c., in respect of distrained property, under Revenue Act	1864	II	13
do. do. under Rent Act	1865	VIII	17,20
of Agent appointed to manage attached property under Revenue Act	1864	II	31
of Collector to suit for refusing to recognize agreements made between landholder and tenant in certain cases ..	"	II	32
of surety for arrest, imprisonment, &c., on account of defaulter under Revenue Act	"	II	50
do. do. under Rent Act	1865	VIII	84
of Collector to suit by parties aggrieved by proceedings under Act II of 1864	1864	II	59
of landholder for acts of his Agent	1865	VIII	79
of a tenant's security for arrears of Rent	"	VIII	84
of owner of premises in which carriage, &c., is kept for payment of tax.....	"	IX	28
do. do. do. do.	"	X	62
of occupier to pay house rates if owner neglects or fails to pay do. do. do.	"	IX	71
do. do. do. do.	"	X	74
of Municipal Commissioners for damages for irregularity committed in distraining property for non-payment of rate or tax... ..	"	IX	72
of Town Commissioners for wilful misapplication of money, &c., collected by them.. ..	"	X	16

I N D

	Year.	Act.	Sec.
LICENSES			
grant of, to manufacture and sell liquors	1864	III	4
forms of,	"	III	5,7
manufacture and sale of liquor without, forbidden ..	"	III	7
for distillation of spirits by European process ..	"	III	12
to provide against breach of Abkary privileges and against improper practices, &c.,	"	III	13
penalty for refusal to show, on demand	"	III	25
fees for, to be granted by Commissioners... ..	1865	IX	188
do. do.	"	X	133
(Vide Taxes.)			
LICENTIATE			
every practising, liable to tax... ..	1865	IX	44
do. do.	"	X	46
LIGHTING			
of streets by Municipal Commissioners.....	"	IX	94
LIMITATION			
for suits instituted in Civil Courts by parties aggrieved by proceedings under the Revenue Act	1864	II	59
process for enforcing arrears against tenant must be taken within a year	1865	VIII	2
for appeal to Collector against notice of sale of defaulter's interest in land	"	VIII	40
do. against warrant of ejectment	"	VIII	43
of suit for reversal of delivery of possession to a landholder ..	"	VIII	44
of summary suits preferred under the Rent Act	"	VIII	51
of appeal to Zillah Judge from judgment of Collector in a summary suit	"	VIII	69
for suits instituted in Civil Courts for recovery of money, or for damages in respect of acts done under Rent Act ..	"	VIII	78
for appeals under Act IX of 1865.. ..	"	IX	64
for establishing titles to claim compensation under Section 99 of the Madras Municipal Act... ..	"	IX	99
for suits under the do.	"	IX	186
do. Towns Improvement Act..... ..	"	X	147
LIMITS			
of Districts or Zillahs may be altered by Local Govern- ment	1865	I	1
of towns may be defined by Government under Act X, 1865	"	X	4
LIQUOR			
Act providing for the manufacture and sale of,	1864	III	
the term, defined in Act III of 1864	"	III	1
(Vide Abkary, Distillation.)			

INDEX.

	Year.	Act.	Sec.
LIVERY STABLE			
keeper of, to take out license...	1865	IX	118
do. do.	"	X	62,120
(Vide <i>Taxes.</i>)			
LOANS			
Bank of Madras cannot grant, on stock or shares or on mortgage of immovable property	1862	V	30
LOCAL AND SPECIAL LAWS			
Act providing for the punishment of offences against, ..	1865	III	
Magistrates to have jurisdiction over offences created by, to the extent of their ordinary powers	"	III	1
LOCAL ENQUIRY			
(Vide <i>Summary Suit.</i>)			
LODGING HOUSE-KEEPER			
every, liable to Municipal tax...	1865	IX	44
do. do. ...	"	X	46
LOSS OR DAMAGE			
sustained by tenant on account of irregular acts of dis- trainer may be recovered by summary suit ..	1865	VIII	17
(Vide <i>Distrained Crops,</i>			
MADRAS			
Act No. VIII of 1865 for the recovery of Rent not to apply to the town of, ...	1865	VIII	88
(Vide <i>Fort St. George, Madras Bank & Madras Municipal Act.</i>)			
MADRAS BANK			
(Vide			
MADRAS MUNICIPAL ACT,			
<i>Municipal Commissioners—</i>			
meaning of the expression, in Act IX of 1865 ..	1865	IX	2
to be six in number, three paid, and three unpaid. ..	"	IX	3
to use a common seal... ..	"	IX	4
certain contracts entered into by, to be in writing..	"	IX	ib.
all property and rights of action of the present, vested i the new,... ..	"	IX	5
actions and proceedings commenced before passing of Act, not to abate... ..	"	IX	6
one of the paid, to be President... ..	"	IX	8
salaries of the President and paid,.. ..	"	IX	9
leave of absence to, to be granted by Government ..	"	IX	10
allowance to President and paid, during absence on leave.	"	IX	ib.
may appoint officers, &c., to assist them.	"	IX	11
shareholders of joint stock companies not incapable of being employed as,.. ..	"	IX	12
to provide an office..	"	IX	13
meetings of,.. ..	"	IX	14

MADRAS MUNICIPAL ACT—*continued.**Municipal Commissioners—continued.*

proceedings of, how to be recorded..	...	1865	IX	15
execution of contracts by and on behalf of,..	...		IX	16
submission to Government of annual estimate of income				
and expenditure by,	...		IX	17
publication of accounts and proceedings of, annually.	..		IX	19
may, with sanction of Government, levy—				
(a.) taxes on carriages, carts, horses, and other animals.			IX	21—30
(Vide <i>Taxes.</i>)				
(b.) fees upon the registration of carts..	...		IX	31—34
(Vide <i>Registration.</i>)				
(c.) tolls on carriages, carts, and animals entering Muni-				
cipal limits..	...		IX	35—42
(Vide <i>Tolls.</i>)				
(d.) tax on arts, professions, trades and callings..			IX	43—47
(Vide <i>Taxes.</i>)				
(e.) rates on houses, buildings, and lands...			IX	48—62
collection of rates and taxes by,	...		IX	66—75
bills to be presented...	...		IX	66
notice of demand.....	...		IX	67
do. do. service of,	...		IX	74
distress for non-payment...	...		IX	77
instead of proceeding by distress, party liable to tax				
may be sued in Court...	...		IX	73
rate due from owner may be recovered from occupier.			IX	71
assessment, or demand of rates, &c., by, not to be impeach-				
ed for want of form...	...		IX	75
may inspect stables and summon persons liable to tax, &c.			IX	30
may divide the town of Madras into Districts, for purposes				
of valuation and measurement...	...		IX	53
may raise loans on the security of rates, taxes, &c...			IX	
to contribute towards the maintenance of the Town Police.			IX	77
powers of, to sell lands and buildings vested in them.	...		IX	83
do. to enter lands, &c., for purposes of Act...	...		IX	174
do. when constructing drains, aqueducts, &c...	...		IX	177
may make Bye-Laws...	...		IX	178
may direct prosecutions for public nuisances.....	....		IX	184

Municipal Accounts—

to be audited and examined annually...				19
publication of,...	...		IX	ib.

Municipal Fund—

what shall constitute the,	...		IX	
----------------------------	-----	--	----	--

INDEX.

MADRAS MUNICIPAL ACT—continued.

Municipal Fund—continued.

statements of receipts and disbursements on account of
the, to be published annually...

865 IX

(Vide *Assessment.*)

(„ *Buildings*

(„ *Estimate.*)

(„ *Houses.*)

„ *Huts.*)

„ *Licenses.*)

„ *Punishment.*)

„ *Registration.*)

„ *Sewers.*)

„ *Streets.*)

„ *Taxes.*)

„ *Tolls.*)

(„ *Water.*)

MAGISTRATE

meaning of the word, in Act II of 1862	1862	II	
do. do. in Act III of 1863	1863	III	
do. do. in Act III of 1864	1864	III	2
do. do. in Act X of 1865	1865	X	ib.
may take cognizance of offences against Act XXV of 1859 and Madras Act II of 1862	1862	II	ib.
may punish offences against Police Bye-Laws made under Madras Act III of 1862		III	5
jurisdiction of Subordinate to take cognizance of offences under Section 174 of the Indian Penal Code	1863	I	1
of Police at Madras may punish offences under the Pier Act		V	15
any, in the Madras Presidency, may take cognizance of offences against Special and Local Laws	1865	III	
the Government may prescribe what official seals shall be used by,		VI	ib.
appeals against any rate or tax demanded by the Madras Municipal Commissioners to be heard and determined by two, ..		IX	63
may state case for opinion of High Court ...			ib.
damages and expenses directed to be paid by the Madras Municipal Act to be determined by two...		IX	189
how to proceed in cases referred to them under Act IX of 1865		IX	190
prosecutions under the Madras Municipal Act may be in any, ...		IX	193

D E X.

	Year.	Act.	Sec.
MAGISTRATE OF THE DISTRICT			
meaning of the expression, in Act X of 1865...	1865	X	2
to be ex-officio Town Commissioner under Act X of 1865...	„	X	7
do. President of the Municipal Commissioners			
for all towns within his District ..	„	X	8
to appoint Vice-President of Municipal Commissioners...	„	X	ib.
MAGISTRATES, SUBORDINATE, 2ND CLASS			
(Vide <i>Summons.</i>)			
MANAGEMENT			
of estate attached for arrears of Revenue to be entrusted			
to an Agent or Revenue Officer	1864	II	28
(See <i>Agent.</i>)			
MANAGERS			
powers of, of estates of disqualified landholders to proceed			
against tenants for arrears of Rent,	1865	VIII	85
MANIYAKARAN			
is a village servant under Act IV of 1864...	1864	IV	7
MANUFACTORY			
(Vide <i>Paper Manufactory.</i>)			
MANUFACTURE OF LIQUOR			
(Vide <i>Abkary, Home Manufacture.</i>)			
MANUFACTURER			
every, liable to Municipal tax.....	1865	IX	44
do. do. ...		X	46
MARKETS			
owners of, to take out license...	1865	IX	162
do. do. ..		X	110
owner of a public or private, liable to Municipal tax		IX	
do. do. do.		X	46
Municipal Commissioners to determine what are to be			
considered public, within the meaning of Act IX of			
1865...		IX	45
do. do. do.		X	47
Commissioners may provide or license, ..		IX	163
to be properly drained...			164
inspection of,.....	„	IX	167
do.		X	111
seizure of unwholesome articles in, ...		IX	167
do. do. ...			112
Municipal Commissioners to provide places for being used as,		X	109
no new, to be established without permission of Commis-			
sioners...			110
MATERIALS			
penalty for not lighting deposits of building, or excavations.		IX	160

	Year.	Act.	Sec.
MEASUREMENT			
(Vide <i>Valuation.</i>)			
MEASURES			
inspection of, by Commissioners...	1865	X	113
MEDICAL PRACTITIONERS			
Abkary Act III of 1864 not to apply to manufacture or sale of any article by...	1864	III	27
MEETINGS			
of the Madras Municipal Commissioners when and how to be convened	1865	IX	14
do. do.	"	X	18
proceedings of such, how to be recorded..	"	IX	15
do. do.	"	X	21
MERCHANT			
every, liable to Municipal tax.....	1865	IX	44
do. do.	"	X	46
MILITARY CANTONMENTS			
(Vide <i>Cantonments.</i>)			
MILITARY OFFICERS			
proceeding on duty and their baggage, exempt from payment of Municipal tolls...	1865	IX	38
do. do.	"	X	53
MILITARY STORES			
exempt from Municipal tolls...	1865	IX	38
do. do.	"	X	53
MILL, OIL			
(Vide <i>Oil Mill.</i>)			
MILL, SAW—			
owner of a, liable to Municipal tax...	1865	IX	44
do. do.	"	X	46
MINUTES			
of proceedings of the Madras Municipal Commissioners how to be recorded...	1865	IX	15
do. do. do.	"	X	21
MONEY CHANGER			
every, liable to Municipal tax...	1865	IX	44
do. do.	"	X	46
MONTH			
defined in Act IX of 1865...	1865	IX	2
MOONSIFF, VILLAGE—			
is a village servant under Act IV of 1864..	1864	IV	7
MORTGAGE			
Bank of Madras cannot grant advances or loans on, of immovable property	1862	V	30

INDEX.

ear.

MORTGAGE—*continued.*

claims to crops or products in possession of defaulter founded upon a previous, not to bar the prior claim of

Revenue due to Government ... 1864 II 17

claims to crops, &c., founded upon a previous, not to bar

the prior claim to rent due to landholder ... 1865 VIII 32

MORTGAGEE

may release land from attachment or sale and recover

debt from defaulter ... 1864 II 35,37

MOUNTED POLICE

horses of the, exempted from Municipal tax... 1865 IX 22

MOVABLE PROPERTY

rules for the seizure and sale of, on account of arrears of

Revenue ... 1864 II 8—25

rules for the seizure and sale of, for arrears of Rent ... 1865 VIII 15

et seq

(*Vide Revenue, Rent.*)

MUCHILKA

engagements of tenants termed, .. 1865 VIII 3

contents of, ... VIII 4

to be signed and registered ... VIII 6

tender of, ... „ VIII 7

puttah and, may be dispensed with by mutual consent of

parties ... VIII ib.

suit for recovery of Rent unsustainable unless, and puttah

have been exchanged, tendered or dispensed with ... „ VIII ib.

refusal to grant, ... „ VIII 9

Collector may direct a tenant to execute, ... VIII 10

refusal to execute, ... VIII ib.

delivery of, how to be enforced after judgment of Collector VIII 72

MULE

1865 IX 22

do. ... X 58

toll on, entering Municipal limits... IX 36

do. do. ... X 51

MUNICIPAL ACTS

(*Vide Madras Municipal Act.*)

(„ *Towns Improvement Act.*)

MUNICIPAL COMMISSONERS

(*Vide Madras Municipal Act.*)

MUNICIPAL FUND

(*Vide Madras Municipal Act.*)

MUNSIFF, DISTRICT—

(*Vide Small Cause Jurisdiction.*)

INDEX.

	Year.	Act.	Sec.
NATIVE PASSENGER VESSELS			
(Vide <i>Overcrowding.</i>)			
NIGHT SOIL			
removal of, ...	1865	IX	90
place for deposit of, to be provided by Commissioners ...	,,	IX	91
occupiers of houses to remove, to carts of Commissioners...	,,	X	82
NIRGANTI			
is a village servant under Act IV of 1864	1864	IV	7
NOTARY, PUBLIC—			
every, liable to tax...	1865	IX	44
do. ...	,,	X	46
NOTICE—			
of distraint under Revenue Act	1864	II	9
of attachment	,,	II	27
of assumption of management by Agent	,,	II	29
of distraint made by landholder to be given to Collector ...	1865	VIII	16
of sale of property, for arrears of rent, to distrainer ...	,,	VIII	39
(See <i>Proclamation.</i>)			
NOTIFICATION			
(Vide <i>Proclamation.</i>)			
NOTTAKARAN			
is a village servant under Act IV of 1864 ..	1864	IV	7
NOXIOUS FOOD			
sale of,...	1865	IX	166
search and seizure of,...	,,	IX	167
do. ..	,,	X	112
NOXIOUS VEGETATION			
penalty for allowing overgrowth of, on lands ...	1865	IX	116
power to remove,...	,,	X	132
NUISANCE			
Commissioners to cause sewers, &c., to be so constructed as not to be a,...	1865	IX	123
refuse from sewers and drains to be disposed of in such a manner as not to become a,...	,,	IX	123
Commissioners to provide common latrines and urinals in proper and convenient situations so as not to be a,...	,,	IX	134
Commissioners may direct prosecutions for public, ...	,,	IX	184
Madras Municipal Act not to affect, at Common Law ...	,,	IX	185
removal of, caused by dangerous and offensive trades ...	,,	X	116
OATH			
defined in Act IX of 1865...	1865	IX	2
OBSTRUCTIONS			
in public streets, how to be dealt with	1865	IX	95,108, 109
do. do. ..	,,	X	122— 124

	Year.	Act.	Sec.
OCCUPIER			
rate due from owner of a house may be paid by, and de- ducted from his rent...	1865	IX	71
do. do. ...	"	X	74
how to be designated in Municipal Rates' Book if his name be unknown...	"	IX	56
service of notice on, ..	"	IX	140
do. ...	"	X	41
if, neglects a work required by Municipal Commissioners to be done, the Commissioners may execute such works and recover expenses...	"	IX	141
do. do. ...	"	X	106
Commissioners may levy charges on, who may deduct the same from rent due to owner...	"	IX	142
do. do. ...	"	X	106
not liable for more than the amount of rent...	"	IX	143
onus of proving that amount demanded is greater than rent due to owner is on,...	"	IX	143
may execute works in certain cases, and deduct expense from his rent	"	IX	144
proceedings in case of, opposing owner to execute works required by Commissioners...	"	IX	145
OFFAL			
places used for boiling, to be registered...	1865	IX	168
do. do.	"	X	114
OFFENSIVE TRADES			
certain, to be registered...	1865	IX	168
do. do. ...	"	X	114
(Vide <i>Trades.</i>)			
OFFICE			
Municipal Commissioners to provide an, for the transac- tion of their business...	1865	IX	13
Town Commissioners to provide an, for the transaction of their business.....	"	X	18
OFFICERS			
(Vide <i>Appointment Public Officers.</i>)			
OFFICIAL SEALS			
(Vide <i>Seals.</i>)			
OIL			
(Vide <i>Oil Mill.</i>)			
OIL BOILING HOUSE			
owner of, to be registered...	1865	IX	168

	Year	Section	Page
OIL MILL			
owner of, to have the same registered...	1865	IX	168
do. do. ...	.	X	114
ORDNANCE CARTS AND WAGONS			
exempted from Municipal tax...	1865	IX	22
need not be registered...	..	IX	32
do. do. ...	..	X	66
OVERCROWDING OF VESSELS CARRYING NATIVE PASSENGERS,			
Act to prevent, in the Bay of Bengal. ...	1862	II	
OWNER			
meaning of the word, in Act IX of 1865...	1856	IX	2
meaning of the word, in Act X of 1865...	...	IX	2
rate due by a house, may be recovered from occupier and deducted by him from his rent...	..	IX	71
do. do. ...	...	X	74
how to be designated in Municipal Rates' Book if his name be unknown...	...		56
service of notice on,...	...	IX	140
do. ...	...	X	41
if, neglects a work required by Commissioners to be done, Commissioners or occupier may execute the same and recover expenses...	..	IX	141
do. do. ...	.	X	106
occupier may deduct from rent due to, such charges as may have been recovered from him by the Municipal Commissioners...	.	IX	142
do. do. do. .	.	X	106
proceedings in case of occupier preventing, from executing works required by the Commissioners to be done ...	...	IX	145
PAPER MANUFACTORY			
owner of, to register the same...	1865	IX	168
do. do. ...	...	X	114
PATEL			
is a village servant under Act IV of 1864	1864	IV	7
PAVEMENTS			
of public streets vested in the Municipal Commissioners..	1865	IX	78
		X	11
taking up...		IX	95
do. ...	...	X	124
PAWN			
receiving in, included in the terms selling and sale used in Act III of 1864	1864	III	

PAWN BROKER

every, liable to Municipal tax...	... 1865	IX	44
do. do. ...	...	X	46

PAYMENTS

by tenants to landholder who is a defaulter when valid against Collector, and when not 1864	II	33
---	------------	----	----

PEDDAKAPU

is a village servant under Act IV of 1864	1864	IV	7
---	------	----	---

PEDLAR

every, liable to Municipal tax	1865	IX	44
do. do.		X	46

PENAL CODE

(Vide *Indian Penal Code.*)

PENALTIES

Municipal Commissioners to publish a list of, imposed by the Madras Municipal Act...	... 1865	IX	183
recovery of, under the Madras Municipal Act...	...	IX	193
do. do. Towns Improvement Act ...		X	149
application of, recovered by Municipal Commissioners ...		IX	194

(Vide *Fines, Punishment.*)

PEONS

Police, not to serve Process under Act XIII of 1859	... 1863	III	
---	----------	-----	--

(Vide *Process.*)

PERMITS

for possession or transit of liquor by whom to be granted.	1864	III	14, 15
validity and effect of,		III	16
penalty on transit of liquor without,		III	17

PERSON

defined in Act IX of 1865 ...	1865	IX	2
do. in Act X of 1865...		X	ib.

PHYSICIAN

every, liable to tax...	1865	IX	44
		X	46

PIER, MADRAS—

Act to prevent damage to the, to regulate the traffic, and to provide for the levy of tolls	1863		
levy of tolls on persons, &c., using the, ..	1863		1
notification of tolls ....	..	V	2
appointment of toll-keepers and establishment ..	..	V	3
illegal collection of tolls .. ....	..	V	4
penalty for non-payment of tolls .. ...	...	V	5
penalty for wilfully damaging the, ....	..	V	6
penalty for cutting adrift, &c., any boat, &c., made fast to,		V	7
seizure and sale of goods for non-payment of tolls ..	..	V	8

PIER, MADRAS—*continued.*

vessels fouling, liable for damage 1863	V	9
such damages how and from whom to be recovered . . .	V	9,10
Government may lay rails or tramways across the beach road between, and Customs House with gates ..	V	11
Police may remove obstructions in or near approaches to, Government may make Bye-Laws in regard to certain matters relating to, ,	V	13 14

PIG

(Vide *Swine.*)

PIPES

situation of gas and water, laid in streets, may be altered by Commissioners.. ... 1865	IX	156
(Vide <i>Houses, Water.</i>)		

PLAINT

(Vide *Summary Suit.*)

PLEADER

every, of Court, liable to Municipal tax... .. 1865	IX	44
do. do.	X	46

POLICE

Act enabling Commissioner of, at Madras, to make Bye-Laws to carry out objects of Acts XIII of 1856 and XLVIII of 1860 1862	III	
Commissioner may make Bye-Laws	III	1
subject to confirmation by Government	III	2
publication of such Bye-Laws	III	3,4
such Bye-Laws to be judicially noticed	III	5
penalty for breach	III	6
peons not to serve Process under Act XIII of 1859	1863	III 1
to assist distrainer under Rent Act	1865	VIII 19
protection to officers of, executing warrants under Rent Act	VIII	78
Officers proceeding on duty, and their baggage, exempted from payment of Municipal tolls ...	IX	38
do. do.	X	53
officers to assist toll keepers ...	IX	40
do. do.	X	54
officers to report offences to Commissioners and to arrest unknown offenders... .. ,	IX	197
do. do. ,	X	134
contribution towards the maintenance of, out of the Municipal Funds.. ... ,	X	25
do. do.	IX	77

	ar.	cts	5
POLICE—continued.			
the number and description of, to be maintained in each town, to be determined by Government	1865	X	26
twenty-five per cent. of the annual cost of, to be contributed by Government.. . . .		X	27
Superintendent of, to furnish Town Commissioners with annual statements of expenditure, &c.,		X	30
payment on account of, when and how to be made		X	35
powers of, under Act X of 1865		X	134
duties of, do.		X	135
(Vide <i>Commissioner of Police.</i>)			
PONY			
tax on,	1865	IX	22
do.		X	58
toll on, entering Municipal limits...		IX	36
do. do.		X	51
POOLS, STAGNANT			
cleansing and draining of,	1865	IX	153
do. do.		X	103
PORTS			
Government may extend provisions of Act XXII of 1855 to all, for the landing and shipment of merchandize.	1863	II	
PORT DUES			
levy of, in the Port of Ganjam	1862		
(Vide <i>Ganjam.</i>)			
POSSESSION			
delivery of, of land to landholder after ejectment of tenant	1865	VIII	44
delivery of, of land to landholder, or tenant how to be effected after judgment of Collector		VIII	73
POSTPONEMENT			
(Vide <i>Summary Suit.</i>)			
POSTS, LAMP—			
(Vide <i>Lamps.</i>)			
POTTER			
(Vide <i>Artizans, Village.</i>)			
PRACTISING LICENTIATE			
of medicine, every, liable to Municipal tax	1865	IX	44
do. do.		X	46
PRESIDENT			
appointment and removal of, of the Madras Municipal Commissioners,...	1865	IX	8
salary of.		IX	9
allowance to, during absence on leave...		IX	10
of Town Commissioners may, in certain cases, exercise all the powers vested in the Town Commissioners		X	23,28

	Year	Page	Section
PRESIDENT—continued.			
of Town Commissioners to appoint overseers, clerks, &c..	1865	X	24
PRESS, COTTON—			
owner of a, liable to Municipal tax	1865	IX	44
do. do. ...	..	X	46
PRESS FOR HIDES—			
owner of a, liable to Municipal tax	1865	X	44
do. do. ...	..	X	46
PRESS, JUTE—			
owner of a, liable to Municipal tax	1865	IX	44
PRESS, OIL—			
owner of, liable to Municipal tax	1865	IX	44
do. do. ...	...	...	46
PRESS, PRINTING—			
owner of a, liable to Municipal tax	1865	IX	44
do. do. ...	.	X	46
PRESS, SCREW—			
owner of a, liable to Municipal tax	1865	IX	44
do. do. ...	.	X	46
PRINCIPAL SUDDER AMEEN			
(Vide <i>Small Cause Jurisdiction.</i>)			
PRINTING PRESS			
owner of a, liable to Municipal tax	1865	IX	44
do. do. ...	.	X	46
PRIVIES			
penalty for neglecting to enclose and roof private,	1865	IX	136
do. do. .	.	IX	92
to be under control of Commissioners and kept in good order by owners...	..	IX	137
do. do. ...	...	X	95
if owner of, neglect to keep them in good order, Commissioners to do the same, and recover expenses	...	IX	137
do. do. ...	..	X	95
inspection of, by Commissioners...	.. „	IX	139
do. do. ..	..	X	98
Commissioners to provide and maintain common, and urinals...	.	X	90
do. do. ...	.	IX	134
license for keeping, for public accommodation, may be granted by Commissioners...	... „	X	91
do. do. ...	...	IX	135
penalty for constructing, contrary to Commissioners' orders	...	X	96
do. do. ...	...	IX	138

	Year.	Act.	Sec.
PROBATE			
(Vide <i>Representative.</i>)			
PROCEDURE CODE			
(Vide <i>Criminal Procedure Code.</i>)			
PROCESS			
Act providing for the service of, under Act XIII of 1859	1863	III	
Police officers not to serve, under Act XIII of 1859	....	III	1
peons to be specially appointed for serving such,	.....	III	ib.
complainant of a breach of contract to pay a fee for service of, .....	.....	III	2
such fee may be recovered from defendant	.....	III	3
Government may make rules in regard to the number of peons to be employed to serve, and the rate of their remuneration, &c. ....	.....	III	4
(Vide <i>Batta, Summary Process.</i>)			
PROCLAMATION			
of sale of movable property for arrears of Revenue	... 1864	II	22
of sale of immovable property for arrears of Revenue	....	II	36
of attachment of land for arrears of Revenue	.....	II	27
of assumption of management of land attached for arrears of Revenue .....	.....	II	29
of purchase of lands at a public auction	.....	II	39
of sale of movable property distrained for arrears of Rent...	1865	VIII	18
PROCTOR			
every, liable to Municipal tax	... 1865	IX	44
do. do. ...	...	X	46
PRODUCTS			
crops or, of land distrained how to be dealt with under Revenue Act	1864	II	11
do. do. under Rent Act	1865	VIII	21
PROFESSIONS			
levy of a tax on, ...	1865	IX	44
do.		X	46
(Vide <i>Taxes.</i>)			
PROJECTIONS			
in public streets, how to be dealt with	1865	X	95,102 105,108 109
do. do.		X	122— 124
Commissioners may allow certain, in streets		IX	110
PROPERTY			
(Vide <i>Movable and Immovable, and Revenue.</i>)			

PROPRIETARY RIGHT

holders of land in, included under the term "landholder"			
used in Act VIII of 1865	1865	VIII	1
recovery of Rent by holders of land in,		VIII	13

PROSECUTIONS

for nuisances by Municipal Commissioners	... 1865	IX	184
for nuisances at Common Law...	...	IX	185
notice of, against Municipal Commissioners..	...	IX	186
under the Madras Municipal Act, how to be instituted	...	IX	193
under the Towns Improvement Act, how to be instituted..		X	148

PROTECTION

to Revenue or Police officers issuing or executing war-			
rants under the Rent Act	..... 1865	VIII	78

PROXY

voting by, at Meetings of Bank of Madras	.. 1862	V	20,21
--	---------	---	-------

PUBLIC OFFICERS

Government may prescribe what official seals shall be used			
by, .....	.. 1865	VI	1

PUBLIC REVENUE

the term, defined in Act II of 1864 1864	II	1
-------------------------------------	-------------	----	---

PUBLIC WORKS DEPARTMENT

officer of, to be ex-officio Town Commissioner under Act			
X of 1865	1865	X	

PUMPS, WATER—(Vide *Water*.)**PUNCH HOUSE**

keeper of a, liable to Municipal tax	1865	IX	44
do. do.		X	46

PUNISHMENT

<i>of offences</i> under Section 174 of the Indian Penal Code			
by Sub-Magistrate, 2nd Class	..... 1863	I	1
for illegal collection of <i>tolls</i> on the Madras Pier		V	4
for non-payment of <i>toll</i> , &c., on Madras Pier		V	5
for wilfully <i>damaging</i> the <i>Pier</i>	.....	V	6
for <i>cutting adrift</i> , &c., any <i>boat</i> , &c., made fast to Pier			7
for <i>non-payment of fines</i> on Master or owner of vessels			
for damage done to Pier by their vessels		V	10
for <i>breach of Bye-Laws</i> relating to Pier...	..	V	14
for <i>fraudulent conveyance</i> of property by defaulter to pre-			
vent distress for arrears of Revenue	1864	II	16
do. do. for do. Rent	... 1865		26
for <i>forcible</i> or clandestine <i>removal</i> of property distrained			
for arrears of Revenue	..... 1864	II	18
do. do. Rent	... 1865	VIII	27

	Year.	Act.	Sec.
PUNISHMENT—continued.			
for <i>unlawful entry</i> into zenanas or apartments of women under Revenue Act	1864	II	21
do. do. Rent Act	1865	VIII	30
for <i>wilful</i> or fraudulent <i>non-payment</i> of arrears of Revenue by defaulter or surety	1864	II	48
for <i>breach of license</i> to distil spirits	,,	III	18
for permitting <i>disorderly conduct</i> in a liquor shop ...	,,	III	19
for <i>mixing</i> intoxicating ingredients with liquor	,,	III	ib.
for <i>contravention of Rules</i> made by Board of Revenue for manufacture and sale of liquor	,,	III	20
for <i>manufacture</i> or sale of liquor <i>without license</i>	,,	III	21
for <i>conveying liquor without license</i>	,,	III	22
for <i>unlawful collection</i> of fees in Districts to which the Village Cess Act is applied	,,	IV	6
for <i>unauthorized exaction</i> of tax, &c., in excess of Rent ...	1865	VIII	5
for <i>clandestine removal</i> of crop by tenant	,,	VIII	83
for Municipal Commissioners and other officers being interested in <i>contracts</i>	,,	IX	12
do. do. do.	,,	X	17
for Municipal Commissioners, &c., taking <i>unauthorized fees</i> .	,,	IX	12
for refusal to shew <i>licenses</i> taken for carriages, &c... ..	,,	IX	24
for keeping carriage, &c., without <i>license</i>	,,	IX	25
do. do. do.	,,	X	60
for failing to affix <i>registration</i> number on carriages, &c. ...	,,	IX	26,34
do. do. do.	,,	X	61
for refusal to pay <i>sum compounded</i> for carriages, &c., by livery stable keepers... ..	,,	IX	27
for <i>disobedience to summons</i> issued by Commissioners.. ...	,,	IX	30
for <i>obstructing</i> Commissioners, &c., from entering or inspect- ing stable, &c.	,,	IX	1b.
for do. from entering house, &c.	,,	IX	57
for <i>not registering</i> carts required to be registered.	,,	IX	34
do. do. do.	,,	X	68
for <i>illegal collection</i> of tolls	,,	IX	41
do. do.	,,	X	55
for failing to furnish <i>returns</i> of measurements of house, &c., required by Commissioners	,,	IX	57
for <i>depositing dirt</i> on streets	,,	IX	87,88
do. do.	,,	X	84,85
for allowing <i>sewerage</i> to flow on streets	,,	IX	89
do. do.	,,	X	86
for removing night-soil, except as directed by Commissioners	,,	IX	90
do. do. do.	,,	X	87

	Ch	Sec
PUNISHMENT—continued.		
for <i>obstructing</i> or encroaching on streets 1865	IX	95
for <i>taking up</i> or displacing pavements, &c. „	IX	96
do. do. do. „	X	124
for <i>laying out new streets</i> without sanction of Commissioners	IX	97
do. do. do. do. . „	X	125
for <i>destroying</i> or defacing street boards	IX	103
do. do. do. „	X	128
do. do. numbers on houses	IX	104
do. do. do.	X	129
for <i>neglecting to put up troughs</i> and pipes for conveying water from roofs of houses, &c. „	IX	107
for non-removal of <i>obstruction</i> or encroachment after notice.	IX	108
for <i>making roof, verandah, &c.,</i> of a hut or building with grass or other inflammable materials	IX	111
do. do. do....	X	130
for <i>keeping dirt, &c.,</i> for more than 24 hours... ..	IX	115
do. do. do.	X	88
for allowing house, &c., to be in a <i>filthy state</i> or overgrown with noxious vegetation „	IX	116
do. do. do.	X	89
for <i>not trimming</i> hedges of trees overhanging the road.. ...	IX	117
for <i>keeping livery</i> or hack stable without license... ..	IX	118
for <i>keeping cart</i> or cattle stand do. „	IX	ib.
do. do. do.	X	120
for <i>keeping certain number</i> of sheep or goats or horned cattle without license... ..	IX	118
for <i>keeping pigs</i> without permission of Commissioners „	IX	119
for <i>making any unauthorized drain</i>	IX	124
for <i>building, &c.,</i> without notice to Commissioners... ..	IX	129
for <i>throwing rubbish</i> into sewer or drain	IX	133
do. do. do.	X	97
for <i>not providing a latrine</i> for servants of a house built on an area exceeding 8 grounds... ..	IX	134
for <i>keeping public necessary</i> without license	IX	135
do. do. do.	X	91
for <i>not roofing</i> or enclosing a private privy... ..	IX	136
do. do. do.	X	92
for <i>making</i> or altering drains, &c., contrary to Commissioners' orders... ..	IX	138
do. do. do.	X	96
for <i>tenants preventing owners</i> from carrying out provisions Act	IX	145

	Year.	Act.	Sec.
PUNISHMENT—continued.			
for fouling water of a stream, tank, &c.	1865	IX	148,149
do. do. do.	"	X	101
for injuring water works... ..	"	IX	150
for not putting hoards or fences during repair of buildings, &c.	"	IX	158
for altering or removing bars, chains or fences put up by Commissioners during repair of streets... ..	"	IX	159
for depositing building materials or making hole in streets without permission... ..	"	IX	160
for not repairing or enclosing dangerous building, tank, &c.	"	IX	161
for keeping slaughter house or market without license or in an unclean state... ..	"	IX	162,164
do. do. do.	"	X	108
for slaughtering sheep, &c., except at a licensed slaughter house.	"	IX	165
for keeping unwholesome meat, &c., in a market.	"	IX	167
do. do. do.	"	X	112
for not registering or taking out license for offensive and dangerous trades... ..	"	IX	168,169
do. do. do.	"	X	114,115
for burying or burning a corpse in any ground not registered, &c.	"	IX	170—172
do. do. do.	"	X	17
for opening burial or burning grounds without license.	"	IX	171
do. do. do.	"	X	117
for obstructing Commissioners in their duty	"	IX	116
(Vide Confiscation, Penalties.)			
PURCHASER			
of land at a public sale entitled to a certificate	1864	II	38
effect of certificate	"	II	ib.
delivery of possession to,	"	II	40
contracts entered into by defaulter with tenants and pay- ments to him by them how far binding on,	"	II	41
PUTTAH			
engagements of landholders termed,	1865	VIII	3
contents of,	"	VIII	4
to be signed and registered	"	VIII	6
tender of,	"	VIII	7
Muchilka and, may be dispensed with by mutual consent of parties	"	VIII	ib.
suit for recovery of Rent unsustainable unless, and Muchilka have been exchanged, tendered or dispensed with	"	VIII	ib

	Year.	c	Se
PUTTAH—continued.			
refusal to grant,	1865	VIII	8
do. to receive,	,,	VIII	9
Collector may enforce acceptance of, in certain cases, or direct a proper one to be issued ...		VIII	10
granted by a landholder at a low rate not to bind succes- sor except in certain cases		VIII	11
delivery of, how to be enforced after judgment of Col- lector		VIII	71
RATES			
Civil Court cannot take cognizance of disputes relating to the, of Revenue or amounts of assessment fixed on portions of divided estate	1864	II	58
levy of, for establishment and maintenance of schools in towns and villages, in the Madras Presidency	1863	VI	
disputes relating to, of Rent how to be decided	1865	VIII	11
in suits relating to, of Rent, Civil Courts to be guided by Act VIII of 1865		VIII	87
levy of, on houses, buildings and lands for Municipal purposes.		IX	20
do. do. do. . ,	,,	X	36
not to exceed 10 per cent. of the annual value of houses, &c., in the Town of Madras. ,	,,	IX	49
do. 7½ per cent. do. do. in Towns in the Mofussil.... ..	,,	X	36
percentage of annual, how to be fixed... ..		X	39
fixed annual, leviable on huts or lands unappropriated to any buildings, &c. ..		IX	49
such, when payable.....		IX	ib.
houses, buildings and lands, the annual value whereof is less than Rs. 14, exempt from the, ..		IX	ib.
do. do. situated in Fort Saint George, not liable to the,		IX	50
buildings used as places of public worship, exempt from,..	,,	IX	ib.
remission of, on vacant houses.	,,	IX	
do. do. ...|	,,	X	44
annual value of houses, &c., how to be ascertained and assessed,		IX	52, 53
do. do. do.		X	38
value assessed, owner's name, &c., to be registered in a book valuation standing on the books of Commissioners at the date of coming into operation of Act, to be taken as the first valuation.		IX	54
		IX	55

INDEX.

2

RATES—*continued.*

owner or occupier of house, &c., how to be designated, if name be unknown. 1865	IX	56
Commissioners empowered to require owner of a house, &c. to furnish returns of measurement and of rent, &c. and to inspect house, &c., for that purpose... ..	IX	57
do. do. do... ..	X	40
public notice of valuation and measurement.	IX	58
do. do. do.	X	41
do. of time of revising assessment.	IX	59
appeals against valuation or measurement when and how to be made, and how to be disposed of .	IX	59
remission, alteration and amendment of,	IX	60, 61
do. do. do.	X	42
new assessment book need not be prepared every year,	IX	62
do. do. do.	X	43
mortgage of, by Commissioners, to raise loans	IX	76
do. do. do.	X	77
collection of,	IX	66—75
do.	X	72—

(Vide *Madras Municipal Act, Towns Improvement Act.*)

RECEIPTS

for payment of Revenue by whom to be granted and what to contain	1864	II	56
for payment of Rent, to be granted by landholders to tenants	1865	VIII	81
consequence of refusal to grant,		VIII	ib.

RECORD

(Vide *Summary Suit.*)

RECOVERY

of damages and expenses under the Madras Municipal Act... ..	1865	IX	191
do. do. do.		X	144
of fines and penalties do. do.		IX	193
do. do. do.		X	149

REFUSAL

procedure in case of, by landholder to grant puttah	1865	VIII	8, 10
do. by tenant to accept puttah		VIII	9, 10
to grant receipts for payments of Rent, how to be dealt with		VIII	81

REFUSE

from sewers and drains, how to be disposed of	1865	IX	123
--	------	----	-----

REGIMENTAL HORSES

exempted from Municipal tax	1865	IX	22
----------------------------------	------	----	----

	Year.	Act.	Sec.
REGISTRATION			
carriages kept for hire to bear, number.....	1865	IX	26
do. do. do.	"	X	61
of carts and wheeled vehicles without springs...	"	IX	31
do. do. do.	"	X	65
Gun carriages, Ordnance carts, &c., need not be registered.	"	IX	32
do. do. do.	"	X	66
fee for,	"	IX	33
do.	"	X	67
book, open to public inspection	"	IX	33
do. do.	"	X	67
seizure of carts, &c., not bearing, number ..	"	IX	34
cart seized may be sold in certain cases... ..	"	IX	ib.
of certain dangerous and offensive trades.....	"	IX	168
REGULATION (MADRAS CODE)			
II of 1802, not to apply to collection of Revenue within the town of Madras	1864	II	64
XXVI of 1802, except Preamble and Sections 2 and 3, repealed	"	II	65
XXVII of 1802, repealed	"	II	ib.
XXVIII of 1802, repeal of	1865	VIII	89
do. not to apply to arrears recoverable under the Revenue Act II of 1864... ..	1864	II	62
XXX of 1802, repeal of,	1865	VIII	89
I and II of 1803, not to apply to arrears recoverable under the Revenue Act II of 1864... ..	1864	II	62
II of 1803, Section 10, repealed	1865	VI	2
V of 1804, operation of, in regard to sale of lands of minors, &c., preserved by the Revenue Act	1864	II	63
II of 1806, Sections 4 and 6, repeal of,	1865	VIII	89
VI of 1816, Section 43, repeal of,	1863	IV	2
I of 1820, repealed,	1864	III	1
V of 1822, not to apply to sales of property under the Re- venue Act II of 1864... ..	"	II	61
V of 1822, repeal of,	1865	VIII	89
I of 1826, repeal of,	"	VIII	ib.
III of 1830, repealed	1864	II	65
IV of 1831, not to apply to enfranchised Inams	1862	IV	1
VI of 1831, not to affect cesses levied under Act IV of 1864	1864	IV	ib.
X of 1831, operation of, in regard to sale of lands of minors, &c., preserved by the Revenue Act... ..	"	II	63
VI of 1832, repealed	"	II	65

	Year.	Act.	Sec.
RENT—continued.			
how to be fixed in surveyed and unsurveyed districts, where no contract exists.....	1865	VIII	11
landholders may arrange their own terms of, in the case of immemorial waste lands ..	,,	VIII	ib.
landholders may demand additional, on account of improvements ..	,,	VIII	ib.
<i>Movable Property—</i>			
rules for seizure and sale of, ...	,,	VIII	15 et seq
demand of arrear what to contain and how to be served	,,	VIII	15
notice of distress, to be sent to Collector ...	,,	VIII	16
appraisement of property distrained ..	,,	VIII	ib.
effect of irregularity committed by distrainer	,,	VIII	17
order for sale of distress	,,	VIII	18
distrainer may procure assistance of Police ...	,,	VIII	19
and force open certain places	,,	VIII	28,29
distrainer liable for loss of, or injury to, property dis- trained... ..	,,	VIII	20
and cannot use distrained property... ..	,,	VIII	23
mode of dealing with crops distrained	,,	VIII	21
distress may be withdrawn if arrears be tendered before sale.. ..	,,	VIII	22
distress to be proportionate to the arrear ..	,,	VIII	24
time of distress,	,,	VIII	25
penalty for fraudulent conveyance of property to pre- vent distress ..	,,	VIII	26
penalty for forcible or clandestine removal, &c., of pro- perty distrained ..	,,	VIII	27
punishment for unlawful entry into apartments of women to attach property	,,	VIII	30
expenses of countermanded sale of property distrained to be borne by defaulter	,,	VIII	31
sale of distrained crops ..	,,	VIII	33
expenses of sale and attachment, how and by whom to be determined ..	,,	VIII	34
re-sale in case of default ...	,,	VIII	35
payment of purchase money... ..	,,	VIII	ib.
effect of irregularity in sale ...	,,	VIII	36
claims of third parties to crops, &c., attached, how to be adjudicated ...	,,	VIII	32
interest on arrears of Rent to run at 1 per cent. per mensem..	,,	VIII	37

RENT—*continued.**Immovable Property—*

sale by landholder of defaulter's interest in, ... 1865	VIII	38
notice of sale, to defaulter	VIII	39
mode of sale..... ..	VIII	40
ejectment of tenant for refusal to execute Muchilka, &c..	VIII 10,12,	41
warrant of ejectment, how to be granted	VIII	41
and what to contain	VIII	42
execution of warrant	VIII	43
Revenue or Police Officers issuing or executing such warrant, protected... ..	VIII	78
delivery of possession on warrant	VIII	44
arrest of defaulter for non-payment of,	VIII	45
warrant of arrest... ..	VIII	46
execution of warrant of arrest may be stayed in certain cases	VIII	47
Revenue or Police Officers issuing or executing such warrants, protected	VIII	78
imprisonment of defaulter for non-payment of,... ..	VIII	48
persons aggrieved by proceedings taken under colour of this Act, may file summary suits before Collector for damages (<i>Vide Summary Suit.</i>)	VIII	49
powers of Managers of estates, and Public officers holding lands under attachment, to proceed against tenants for arrears of,	VIII	85
farmer of public Revenue may proceed against sub-ren- ters for arrears of,	VIII	86
tenant may be ordered to furnish security before he cuts or removes the crops	VIII	82
clandestine removal of crops by tenant how to be punished.	VIII	83
in suits regarding rates of, Civil Courts to be guided by Act VIII of 1865	VIII	87
Act not to apply to collection of Rent or Revenue within limits of the Town of Madras... ..	VIII	88

RENTER, ABKARY—

may sub-rent his farm	1864 III	9
sub-renters to execute engagements.....	III	ib.
may proceed against sub-renter to recover arrear as land- holder may proceed against tenant	III	10
validity and effect of a permit granted by, or sub-renter for transit of liquor	III	16
not allowed to levy any tax unconnected with the exclusive privilege of vending toddy	III	29

(*Vide Abkary.*)

			6	52
REPAIRS				
hoards to be set up during, of building, &c.,	1865|	IX|		158
bars to be erected across streets during, and lights placed				
at night...		IX|		159
REPEAL				
of Acts and Regulations. (<i>Vide Acts & Regulations.</i>)				
REPRESENTATIVE, LEGAL—				
of deceased shareholder of Bank of Madras must take out				
probate, &c., to entitle him to the share, &c., of the				
deceased	1862|	V|		39
of a landholder, &c., may proceed for arrears of Rent in the				
same way as he whom he represents would have done.	1865|	VIII|		80
RESERVOIRS				
for the supply of water. (<i>Vide Water.</i>)				
RETAIL DEALER				
every, liable to Municipal tax...	1865|	IX|		44
do. do.				46
REVENUE BOARD				
(<i>Vide Board of Revenue.</i>)				
REVENUE OFFICER				
may be appointed as agent to manage property attached				
in certain cases	1864|	II|		28
protection to, issuing warrants specified in Sections 41 and				
45 of Rent Act	1865|	VIII|		78
REVENUE, PUBLIC—				
Act providing for the recovery of arrears of,	1864|	II|		
definition of term,		II|		
land together with buildings, &c., thereon regarded as				
security for,		II|		2
landholder when and to whom to pay his kist		II|		3
Board of Revenue to determine amounts and dates of				
payment of kist, except where property is held under				
a Sunnud-i-Milkeut Istimrar..		II|		ib.
amount of kist remaining unpaid deemed an arrear of, ..		II|		4
arrear of, may be recovered by sale of property, or by				
execution against person of defaulter		II|		5,6
if defaulter hold under a Sunnud-i-Milkeut Istimrar, terms				
of same to be observed		II|		6
arrears of, to bear interest at six per cent. per annum		II|		7
Immovable Property—				
attachment of, for arrears of, when and how to be made.	1864|	II|		25
service of notice of demand		II|		ib.
mode of attachment ..		II|		27

REVENUE, PUBLIC—*continued.**Immovable Property—continued.*

appointment of agent to manage, during attachment, his duties and liabilities 1864	II	28—31
Revenue Officers may be appointed as agent in certain cases	II	28
certain agreements entered into between landholder and tenant binding on Collector during attachment .	II	32
charges and incumbrances on land of defaulter to be postponed to the payment of public Revenue ...	II	ib.
payments by tenants to a landholder, who is a defaulter, when valid against Collector and when not ..	II	33
withdrawal of attachment .. .	II	34
a tenant, mortgagee, incumbrancer or other person interested may release, from attachment	II	35
sale of, by public auction after notification ,	II	36
deposit and payment of purchase money	II	ib.
re-sale in default of payment of purchase money	II	ib.
arrears may be tendered by defaulter, tenant, mortgagee or other incumbrancer, before sale, and sale stayed..	II	37
purchaser at a public sale, to be granted a certificate ...	II	38
proclamation of purchase	II	93
delivery of possession to purchaser	II	40
contracts entered into by defaulter with his tenants binding on purchaser	II	41
sale to be free of all incumbrances	II	42
sale may be restricted to a portion of land of defaulter, in certain cases ,	II	44
sale may be postponed on tender of security	II	47
apportionment of assessment on sub-division of an estate held under a Sunnud-i-Milkeut Istimrar which may be sold for arrears	II	45,46

Movable Property—

rules for seizure and sale of, for recovery of arrears of, .	II	8—25
distrain of property after demand of arrear ,	II	8
notice of distraint how to be served when defaulter is absent	II	
distress to be withdrawn on tender of arrear before sale..	II	10
distrained crops or products of land how to be dealt with.	II	11
distrained crops may be released from attachment, if tenant pays arrears of Revenue	II	ib.
distrained cattle or goods cannot be used by distrainer .. ,	II	12
loss or damage caused by neglect to distrained, how and from whom to be recovered	II	13

	c	Sec.
REVENUE PUBLIC— <i>continued.</i>		
<i>Movable Property—continued.</i>		
distress to be proportionate to the amount of arrears 1864	II	14
time of distress	II	15
penalty for fraudulent conveyance of, to prevent distress.	II	
claims to property distrained and sold, how to be disposed of... ..	II	17
Revenue to be the first charge	II	ib.
penalty for forcibly or clandestinely taking away distrained,	II	18
distrainer may force open certain places to attach,	II	19
distrainer how to proceed in the case of a zenana	II	20
punishment for unlawful entry into apartments of women	II	21
sale of distrained,	II	22, 23
terms and conditions of sale	II	24
re-sale in case of default	II	ib.
arrest and imprisonment of defaulter or surety for non- payment of arrears of,	II	48
such imprisonment not to extinguish debt	II	ib.
issue of warrant for arrest of defaulter or surety ..	II	49
mode of enforcing payment by sureties ..	II	50
removal of crops may be prevented when, is payable in kind	II	51
advances for cultivation, village fees and other cesses may be recovered as arrears of,	II	52
process servers to be paid batta ...	II	53
interest and charges incurred under the Act may be recovered as arrears of,	II	54
expenses of countermanded sales to be borne by defaulter... ..	II	55
receipts for payment of Revenue by whom to be granted and what to contain	II	56
procedure when defaulter or surety resides out of District wherein default has been made	II	57
parties aggrieved by proceedings under the Act may apply to Civil Courts for redress	II	59
suit against Collector to survive against his successor	II	60
Collector not personally liable for acts of predecessor.	II	ib.
REVIVAL OF SUIT		
(Vide <i>Summary Suit.</i>)		
ROADS		
to be provided by the Madras Municipal Commissioners.. 1865	IX	154
in towns in the Mofussil to be provided by the Town Commissioners	X	25
ROOFS		
of huts, &c., not to be made of inflammable materials 1865	IX	111
do. do. do.	X	130

RUBBISH

and dirt, &c., collected in streets, &c., to be the property of Municipal Commissioners...	.... 1865	IX	92
do. do. do.	....	X	83
throwing, into sewers, &c.,...	.....	X	97
do. do.	....	IX	133

RUINOUS HOUSES

(Vide *Houses.*)

RULES

Commissioner of Police at Madras empowered to make, for carrying out objects of Acts XIII of 1856 and XLVIII of 1860	.....	.... 1862	III	
Directors of the Bank of Madras empowered to make, for management of the business of the Bank	.. ....			40
Government may make, with regard to the number of peons to be employed for service of process under Act XIII of 1859, the rate of their remuneration, &c.,	. 1863	III		
Government may make, for preventing damage to, and regulating the traffic along the Madras Pier, &c.		V		14
School Commissioners appointed under the Madras Educa- tion Act empowered to make, providing for the—				
(a.) levy of taxes and duties for maintenance of schools.				
(b.) appointment and remuneration, &c., of teachers, &c.				
(c.) branches of learning to be taught, and the rules of dis- cipline to be enforced in the schools	... ... 1863	VI		3,4
Board of Revenue empowered to make, under which manu- facture and sale of liquor shall take place	1864	III		5
Government may make, for the levy of water cess in certain cases	... ... 1865	VII		1

(Vide *Bye Laws.*)

RYOTWAR SETTLEMENTS

holders of land under, included in the term “landholder” in Act II of 1864	.....	1864	II	1
holders of land under, included in the term “landholder” in Act VIII of 1865	.....	1865	VIII	ib.
recovery of Rent by landholders under,	.....		VIII	13

SALE

claims to crops or products in possession of a defaulter, founded upon a previous, not to bar the prior claim of Government to Revenue due	... .. 1864	II	17
do. do. not to bar prior claim of Rent due..	1865	VIII	32
of movable property, for arrears of Revenue	... .. 1864	II	8—24
do. do. Rent	..... 1865	VIII	

	a	c	Sec
SALE—continued.			
of immovable property, for arrears of Revenue	1864	II	36
do. do. Rent	1865	VIII	38 et seq
expenses of countermanded, to be borne by defaulter under			
Revenue Act		II	55
do. do. under Rent Act	1865	VIII	31
Regulation V. of 1822 not to apply to, of property under			
Revenue Act	1864	II	61
definition of term, in Act III of 1864		III	2
postponement of, pending investigation of irregularity			
committed by distrainer	1865	VIII	17
order for, of distress if distraint be not appealed against...		VIII	18
of distrained property, how to be conducted	,,	VIII	33
rate of commission on, of distrained property		VIII	ib.
re-sale in case of default of the first purchaser		VIII	35
effect of irregularity in,		VIII	36
of defaulter's interest in land for arrears of Rent	,,	VIII	38
notice of,	,,	VIII	30
mode of,		VIII	49
of unwholesome food or drink ..		IX	166
do. do.		X	112

(Vide *Revenue Rent.*)

SAW MILL

owner of a, liable to Municipal tax	1865	IX	44
do. do.		X	46

SCHOOLS

Act providing for the establishment and maintenance of			
in the Madras Presidency	1863	VI	
application of Act to, in the Godavery District		VI	1,2
appointment of School Commissioners		VI	2
School Commissioners may make rules in regard to-			
(a.) the levy of taxes or duties in each town, village, or place.			
(b.) the appointment and remuneration, &c., of teachers, &c.			
(c.) the branches of learning to be taught and rules of discipline to be enforced in, ...		VI	3,4
Commissioners may hold immovable property, expend and apply monies collected in the establishment and maintenance of,		VI	6
Commissioners may enter into contracts ...		VI	ib.
liability of Commissioners for misapplication of monies collected by them		VI	

	ar.	c	Sec
SCHOOLS—continued.			
preparation, revision, and amendment of rate book by			
Commissioners 1863	VI		8—12
right of rate payers to inspect rate book	VI		9
demand of rate	VI		13
notice of distraint on non-payment	VI		14
levy of rate from occupier of house, &c.	VI		ib.
who may reimburse himself	VI		15
notice of seizure of goods, &c.	VI		16
sale of goods distrained	VI		17
mode of service of bills, notices, &c.	VI		18
formal defects in bills, &c., cannot be objected, but parties aggrieved may sue for special damage in a Court of Justice	VI		
preparation and submission of annual accounts by Commissioners	VI		20
Act to be in force for 5 years	VI		2, 21
continuance of Act after 5 years, if not objected to .	VI		21
application of Act to other districts	VI		22—26
Governor in Council may suspend operation of Act in any town or place	VI		27
SCREW PRESS			
owner of a, liable to Municipal tax 1865	IX		44
do. do.			46
SEAL, COMMON—			
Municipal Commissioners of Madras to have and use a common seal.. 1865	IX		4
Town Commissioners to have and use a,			9
SEALS, OFFICIAL—			
to be used by Collectors, Magistrates, and other Public Officers, may be prescribed by Government 1865	VI		
SEARCH WARRANTS			
for the discovery of unlicensed stills, or of liquor illicitly sold, may be issued by Magistrates .. 1864	III		
(Vide <i>Warrants</i> .)			
SECRETARY OF STATE FOR INDIA IN COUNCIL			
shares and stock of the Bank of Madras, registered in the name of the Governor in Council, to belong to, .. 1862	V		12
SECURITY			
on tender of, by defaulter, sale of his land may be postponed .. 1864	II		
offender not paying a fine imposed on him under Act of 1859, may be compelled to give, 1865	V		

	Year.	Act.	Sec.
SECURITY—continued.			
tenant may be ordered to give, before he cuts or removes the crop	1865	V	82
landholder may proceed against his, for arrears of Rent...	„	VIII	84
SEIZURE			
(Vide <i>Confiscation, Movable and Immovable Property.</i>)			
SELLING			
definition of term, in Act III of 1864	1864	III	2
SERVICE			
of notices of demand, &c., &c., under Act IX of 1865	1865	IX	74
do. do. Act X of 1865	„	X	140
of notice on owner and occupier of land, &c., under the Madras Municipal Act ...	„	IX	ib.
SEWERAGE			
prohibition against allowing, to flow in streets	1865	IX	89
do. do. do. ..	„	X	86
(Vide <i>Sewers.</i>)			
SEWERS			
all public, and drains, tunnels and culverts in streets vested in the Municipal Commissioners.....	1865	IX	120
do. do. do.	„	X	93
powers of Commissioners in making public, ..	„	IX	121
Commissioners may repair, alter and close, ...	„	IX	122
to be constructed under direction of Commissioners.....	„	X	94
cleansing and emptying,	„	IX	123
refuse of, and drains may be sold for agricultural purposes.	„	IX	ib.
penalty for making unauthorized drains into,.....	„	IX	124
buildings over, not to be erected without consent of Com- missioners.....	„	IX	125
Commissioners empowered to make drains communicating with, from houses not properly drained	„	IX	126
houses hereafter built to be on a level which will allow of the drainage of such houses being led into public,..	„	IX	127
penalty for throwing rubbish into,	„	IX	133
do. do. ...	„	X	97
closing of, opened by Commissioners	„	IX	155
SHAREHOLDER			
of a Joint Stock Company not incapable of being employed as a Municipal Commissioner	1865	IX	12
do. do. do.	„	X	17
SHARES			
(Vide <i>Advances, Bank of Madras.</i>)			
SHED			

SHOPKEEPER

every, liable to Municipal tax	..... 1865	IX	44
do. do.		X	46

SHOTRIEMDARS

comprised in the term "landholder" used in Act II of 1864	... .. 1864	II	
comprised in the term "landholder" used in Act VIII of 1865	..... 1865	VIII	ib.

SHROFF

of the Bank of Madras, cannot engage in trade	1862	V	26
is a village servant, under Act IV of 1864	1864	IV	7

SLAUGHTER HOUSES

licenses for, may be granted by Commissioners	1865	IX	162
do. do.		X	108
Commissioners may provide or license,		IX	163
do. do.		X	109
to be properly drained. .		IX	164
penalty for slaughtering except at,		IX	165
inspection of, by Commissioners		IX	161
do. do.		X	117
seizure of unwholesome articles sold in,		IX	167
do. do.		X	112

SMALL CAUSE COURT

(Vide *Court of Small Causes.*)

SMALL CAUSE JURISDICTION

Act investing certain Courts in the Madras Presidency with,	... .. 1863	IV	
District Moonsiffs to have, up to Rupees 50	.....	IV	
Civil or Sub-Judge or Principal Sudder Ameen may be invested by Government with, within specified limits.		IV	4, 5
cases in which Small Cause suits must be preferred before District Moonsiff	....	IV	6

SMITH

(Vide *Artizan.*)

SOAP HOUSE

place used as, to be registered	1865	IX	168
do. do.		X	114

SOIL

(Vide *Night Soil.*)

SOUCAR

every, liable to Municipal tax	1865	IX	44
do. do. ....	..	X	46

SPECIAL JURISDICTION

meaning of, in Madras Act IV of 1863, 1863	IV	
---------------------------------------	------------	----	--

	Year.	Act.	Sec.
SPECIAL OR LOCAL LAWS			
all Magistrates in the Madras Presidency may take cognizance of offences against, ..	1865	III	1
SPIRITS			
included in the definition of term liquor used in Act III of 1864	1864	III	2
distillation of, by European process	"	III	12
excise of, may be allowed at discretion of Board of Revenue ..	"	III	ib.
SPIRIT SHOP			
keeper of a, liable to Municipal tax ..	1865	IX	44
do. do.	"	X	46
STABLE KEEPERS, LIVERY— (Vide <i>Taxes.</i>)			
STAGNANT POOLS			
cleansing and draining of, ...	1865	IX	153
do do.	"	X	103
STALL			
keeper of a, liable to Municipal tax ...	1865	IX	44
do. do.	"	X	46
STAMP DUTY			
summary suits preferred under Rent Act exempt from, ...	1865	VIII	75
STAND (Vide <i>Cart Stand.</i>)			
STOCK, CONSOLIDATED— (Vide <i>Advances, Bank of Madras.</i>)			
STRAND			
the, within Municipal limits as far as high water mark, vested in the Municipal Commissioners	186	IX	78
STRAW DEPOT			
owner of, to register the same..	1865	IX	168
do. do.		X	114
STREET			
meaning of the word, in Act IX of 1865	1865	IX	2
STREETS			
all public, pavements, &c., vested in the Municipal Commissioners. ...	1865	IX	78
Commissioners may make and improve,		IX	79
do. may close, turn, or divert any of the, ..		IX	ib.
do. may take up lands, houses, or buildings to lay out, or purchase them.. ..	"	IX	79—81
do. may take up lands adjoining for forming,		IX	80
do. may take up lands required for carriage-ways and foot-ways... ..		IX	ib.
do. may sell closed,		IX	84
maintenance and repair of, and foot-ways, &c.	"	IX	

STREETS—*continued.*

	Year.	Act.	Sec.
cleansing of, ...	1865	IX	86
dust boxes in,	"	IX	87
...	"	X	84
depositing dirt in, except as provided by Commissioners,			
prohibited	"	IX	88
do. do. do. .	"	X	85
allowing sewerage to flow on, prohibited...	"	IX	89
do. do. do. ...	"	X	86
removal of night soil along,...	"	IX	90
do. do. do. ...	"	X	82,87
places of deposit for filth and rubbish collected in, to be			
provided by Commissioners.....	"	IX	91
do. do. do. ...	"	X	81
all rubbish, &c., collected in, to be the property of Muni-			
cipal Commissioners.....	"	IX	92
do. do. do.	"	X	83
Commissioners to provide funds for the watering of,	"	IX	93
lighting of,	"	IX	94
future obstructions and encroachments in, prohibited ex-			
cept on occasions of festivals...	"	IX	95
do. do. do. .	"	X	122
temporary erections in, may be allowed on occasions of			
festivals and ceremonies...	"	IX	95
taking up pavements, flags, &c. of, ...	"	IX	96
do. do. do. ...	"	X	124
private persons laying out new, how to act...	"	IX	97
do. do. do. ..	"	X	125
owners of private, may be required to level, metal, pave			
and drain the same...	"	IX	100
if owners of private, neglect to pave them, Commissioners			
may do it and recover expenses from owners ...	"	IX	ib.
owners of private, may require the Commissioners to de-			
clare the said streets public...	"	IX	ib.
houses may be set forward for improving line of,	"	IX	101
names of, to be put up or painted ...	"	IX	103
do. do. do. ...	"	X	128
doors, &c., not to open outwards so as to cause obstruction			
in public,..	"	IX	105,106
removal of projections, &c., in, ...	"	IX	108,109
do. do. ...	"	X	123
Commissioners may allow certain projections in, ...	"	IX	110
trimming of hedges and trees overhanging in public, ...	"	IX	117
do. do. do.	"	X	131

STREETS—*continued.*

Commissioners breaking up, to restore the same with all convenient speed	1865	IX	155
bars to be erected across, during repairs ..		IX	159

SUBJECT, BRITISH—

(Vide *European British Subject.*)

SUB-MAGISTRATES, 2ND CLASS

(Vide *Summons.*)

SUBORDINATE JUDGE

(Vide *Small Cause Jurisdiction.*)

SUB-RENTERS

(Vide *Farmers.*)

SUDDER AMEEN, PRINCIPAL

(Vide *Small Cause Jurisdiction.*)

SUIT

by or against the Bank of Madras pending at the time when Act V of 1862 comes into operation, not to abate	1862	V	3
liability of School Commissioners to, for misapplication of monies, &c. ...	1863		7
liability of Agent appointed under the Madras Revenue Act to, at the instance of defaulter, for criminal or illegal act	1864	II	31
liability of Collector to, for refusing to recognize certain agreements entered into between landholder and tenant.		II	32
may be instituted in a Civil Court by parties aggrieved by proceedings under the Revenue Act ..		II	59
against Collector to survive against his successor	1864	II	
for recovery of Rent unsustainable unless puttahs and muchilkas have been exchanged, tendered, or dispens ed with	1865	VIII	
relating to disputes as to rates of Rent, how to be decided		VIII	11
against distrainer for illegally attaching crops, &c., on account of arrears of Rent ...		VIII	32
for reversal of delivery of possession to a landholder		VIII	44
by and against Municipal Commissioners ..		IX	183, 184, 186, 192, 193
do. do. do		X	141, 148
against Municipal Commissioners not to be brought till after one month's notice..		IX	186

(Vide *Summary Jurisdiction, Summary Suit.*)

SUMMARY JURISDICTION

of Civil Court to order delivery of property fraudulently conveyed by defaulter to another to prevent distress for arrears of Revenue	1864	II	
--	------	----	--

INDEX.

			Sec.
SUMMARY JURISDICTION— <i>continued.</i>			
of Civil Court to restore distrained property forcibly or clandestinely taken away under Revenue Act	... 1864	II	18
do. do. under Rent Act	... 1865	VIII	26,27
of Collector to award compensation to a tenant from whom any sum is unauthorizedly exacted	...	VIII	5
of Collector to direct puttah to be granted to a tenant	...	VIII	8
of Collector to order reinstatement of tenant ejected without authority	... ..	VIII	12
of Collector to award damages to tenant on account of irregular acts of distrainer	... ..	VIII	17
of Collector to decide appeals against notice of intended sale of land of a defaulter	... ..	VIII	40
(Vide <i>Summary Suit.</i>)			
SUMMARY PROCESS			
by Collector to recover amount of loss or damage caused to property distrained for arrears of Revenue	... 1864	II	13
SUMMARY SUIT			
tenant may prefer a, before Collector for recovery of tax, &c., unauthorizedly exacted from him	1865	VIII	5
may be instituted by tenant where puttah is refused by landholder		VIII	
may be instituted by landholder where puttah is refused by tenant		VIII	9
may be instituted by tenant ejected without authority for reinstatement	... ..	VIII	12
for loss or damage sustained by tenant for illegal distraint.		VIII	17,18
defaulter may appeal to Collector by, against intended sale of his land for arrears of Rent	... ..	VIII	40
under the Rent Act how to be preferred	... ..	VIII	
institution of plaint	... ..	VIII	50
production of documents with plaint	... ..	VIII	ib.
do. do. at first hearing		VIII	53
limitation of,	... ..	VIII	51
agents may be employed by plaintiff and defendant		VIII	
summons to defendant	... ..	VIII	53
personal attendance of defendant may be required in certain cases	... ..	VIII	54
service of summons	... ..	VIII	55
personal attendance of plaintiff may be required in certain cases	... ..	VIII	
default by both parties	... ..	VIII	57
do. by plaintiff		VIII	ib.
do. by defendant	..	VIII	ib.

	5	6
SUMMARY SUIT— <i>continued.</i>		
admission by defendant, effect of,	1865|VIII	5
revival of, allowed in certain cases	VIII	58
payment before hearing ...	,, VIII	59
power of Collector to compel production of documents		
and vouchers ...	VIII	60
witnesses, production of,	VIII	61
service of process ...	VIII	62
deposit of costs ...	VIII	ib.
mode of taking evidence in,	VIII	63
record in a, what to contain	VIII	64, 67
proceedings to be summary	VIII	65
postponement and adjournment of,	VIII	66
local enquiry may be ordered in certain cases	VIII	67
<i>Judgment—</i>		
execution of, ...	1865|VIII	70
for delivery of puttah how to be enforced	VIII	71
for do. of muchilka ...	VIII	72
for do. of possession ...	VIII	
or order of Collector in regard to, not open to revision		
otherwise than by appeal to Civil Court ...	VIII	76
in default, or exparte ...	VIII	58
no appeal from, on default or exparte, ...	VIII	ib.
what to contain ...	VIII	68
appeal from, to Zillah Judge ...	VIII	69
suit may be referred to arbitrators for, ...	VIII	74
exempted from Stamp Duty ...	VIII	75
register of, ...	VIII	77
for refusal by landholder to grant receipts ...	VIII	81
for clandestine removal of crop by tenant ...	VIII	83
SUMMONS		
Sub-Magistrates, 2nd Class, empowered to punish disobedience to, under Section 174 of the Indian Penal Code ...	1863	I
(Vide <i>Summary Suit.</i>)		
Municipal Commissioners may issue, for attendance of parties liable to Municipal taxes ...	1865 IX	30
SUNNUD-I-MILKEUT ISTIMRAR		
persons holding lands under, comprised under the term "landholder" in Act II of 1864	1864 II	1
term of, to be observed in recovering arrears of Revenue, from defaulter holding such sunnud	II	6
apportionment of assessment on portions of divided estate held under, sold for arrears of Revenue	II	

	Year.	Act.	Sec.
SUNNUD-I-MILKEUT ISTIMRAR—continued.			
persons holding lands under, comprised under the term “landholder” in Act VIII of 1865	1865	VIII	I
SUN SHADES			
may be put in streets with permission of Commissioners.	1865	IX	110
SURETY			
of a defaulter liable to arrest and imprisonment for wilful or fraudulent non-payment of arrears of Revenue ...	1864	II	48
mode of enforcing payment by, on account of a defaulter..	„	II	50
procedure when, resides out of district	„	II	57
SURGEON			
every practising, liable to Municipal tax	1865	IX	44
do. do.	„	X	46
SURGEON, VETERINARY—			
every, liable to Municipal tax...	1865	IX	44
do. do.	„	X	46
SURRENDER			
of lease by tenant	1865	VIII	12
SURVEY			
Commissioners may enter lands, &c., for the purposes of,	1865	IX	174
SWINE			
keeping, without permission of Commissioners, prohibited	1865	IX	119
TALAIYARI			
is a village servant, under Act IV of 1864..	1864	IV	7
TALLOW			
places used for melting, to be registered..	1865	IX	168
do. do. ..	„	X	114
TANDALKARAN			
is a village servant, under Act IV of 1864	1864	IV	7
TANKS			
public, vested in the Municipal Commissioners ...	1865	IX	146
do. do.	„	X	99
cleansing and draining of unwholesome, ...	„	IX	152
do. do. ...	„	X	102
dangerous, to be repaired and enclosed.. ...	„	IX	161
do. do. ..	„	X	104
(Vide <i>Water.</i>)			
TANNERY			
places used as, to be registered.. ...	1865	IX	168
do. do. ...	„	X	114
TAX COLLECTOR			
(Vide <i>Collector, Tax—</i>)			

TAXES

levy of, for establishment and maintenance of schools in the Madras Presidency ... 1863	VI	
Abkary renter not allowed to levy any, unconnected with the exclusive privilege of vending toddy	1864	III 29
levy of unauthorized, from tenants forbidden	1865	VIII 5
levy of, on carriages, horses, and animals...	IX	21
do. do.	X	et seq 57
Gun carriages, Ordnance carts, &c., exempted from,	IX	22
Cavalry and Regimental horses, and horses of the Mounted Police, exempted from,	IX	ib.
carriages, &c., kept by officers doing regimental duty exempted from,	IX	ib.
do. kept by <i>bonâ fide</i> dealers exempted from,	IX	ib.
horses, &c., belonging to Government or the Commis- sioners, exempt from,	IX	ib.
owners of carriages, &c., to pay, half yearly, and to take out license	IX	23, 24
do. do. do.	X	58, 59
carriages, &c., kept only for 30 days not liable to,	IX	23
production of license on demand	IX	24
carriages kept for hire to bear registration number ...	IX	26
do. do. do. ...	X	61
compounding with livery stable-keepers, &c., for a certain sum, in lieu of	IX	27
do. do. do.	X	63
owners of premises in which carriages are kept, liable to,	IX	28
do. do. do. ...	X	62
Commissioners to keep a list of persons licensed to keep carriages, &c.	IX	29
inspection of stables, and summoning of persons liable to,	IX	30
do. do. do. ...	X	64
levy of, on arts, professions, trades and callings... ..	IX	43
do. do. do. ...		et seq 45
persons exercising certain trades and professions to pay, half yearly... ..	IX	et seq 44
do. do. do. ...	X	46
classification of persons liable to,	IX	45
do. do.	X	47
persons chargeable under one designation only... ..	IX	
do. do. do. ...	X	48

TAXES—*continued.*

preparation of lists of persons liable to, ...	1865	IX	47
do. do.		X	49
collection of,		IX	
do.			72—76
Municipal Commissioners may borrow money by way of debenture on the security of, ..		IX	76
do. do. do. ..		X	77
			et seq

(Vide *Madras Municipal Act, Towns Improvement Act,*
and Punishment.)

TEMPORARY ERECTIONS

in streets allowed on occasions of festivals and ceremonies	1865	IX	95
do. do. do.		X	122

TENANCY

between landholder and defaulter, to cease upon delivery of possession to former by ejectment of latter	1865	VIII	
--	------	------	--

TENANT

may pay arrears of Revenue and terminate attachment of crops, and deduct amount from Rent due to defaulter	1864	II	11
may, in certain cases, sue or prosecute agent appointed to manage property of defaulter		II	31
agreements entered into between landholder and, binding on Collector during attachment		II	32
payment by, to landholder who is a defaulter when valid against Collector and when not		II	33
may sue defaulter for payments made to him after attach- ment of his land		II	ib.
may release land from attachment and sale by paying up arrears of Revenue, &c., and deduct amount from Rent due to defaulter		II	35, 37
definition of the term, in Act VIII of 1865	1865	VIII	
process against, for arrears of Rent, must be taken within one year		VIII	2
written agreements to be exchanged between landholder and engagements of, termed Muchilka		VIII	3
may recover by summary suit any sum exacted from him in excess of Rent		VIII	5
how to proceed, where puttah is refused		VIII	8
may be ejected for refusal to execute Muchilka		VIII	10
cannot be ejected without a decree of Civil Court in certain cases		VIII	

			Sec
TENANT—continued.			
ejected without due authority, may bring a summary suit			
before Collector, for reinstatement	..... 1865 VIII		12
may relinquish land at the end of Revenue year	„		ib.
may sue distrainer summarily for loss sustained			17
may appeal to Collector against notice of intended sale of			
his land	..... VIII		40
ejectment of, for non-payment of Rent	VIII		41
effect of ejectment of,	..... VIII		44
may be required to give security before he cuts and re			
moves crops	..... VIII		82
consequence of refusal by, to give security	..... „ VIII		ib.
landholder may proceed against, or his security or both for			
arrears of Rent	..... VIII		84
(Vide <i>Purchaser.</i>)			
TODDY			
owner of a private garden or ground cannot be compelled			
to draw, from Cocoa, Date, or other Palm trees.	1864 III|		28
renter not allowed to levy any tax unconnected with the			
exclusive privilege of vending,	.. .. III|		29
TOLL-KEEPER			
meaning of, in the Madras Pier Act	.... 1863		16
TOLLS			
levy of, on carriages, carts, &c., entering Municipal limits..	1865 IX|		35
do.			et seq
do.			50
do.			et seq
construction of toll bars and gates and gate-keeper's			
stations	... .. IX|		36
do.	do. do. do. X		51
collection of, to whom to be entrusted	... .. IX		36
do.	do. do. X		51
do.	may be farmed out by the Commissioners...	IX	36
do.	do. do. X		51
carriages, carts, and animals licensed by Commissioners			
exempt from payment of,	... .. IX		36
vehicle, &c., may be seized for non-payment of,	IX		37
do.	do. do. X		52
sale of property seized for non-payment of, when and			
how to be made	..... IX		37
do.	do. do. X		52
Troops, Military stores, Police, &c., exempt from,	IX		38
do.	do. do. „		53

	ar.		26
TOLLS— <i>continued.</i>			
Municipal Commissioners may compound with persons living outside the Municipal limits for a payment in lieu of, in respect of carriages, &c., kept by them ...	1865	IX	39
Police officers to assist in the collection of, ...		IX	40
do. do. do. ...		X	54
illegal collection of,		IX	41
do. do.		X	55
table of, to be exhibited for public information ...		IX	42
do. do. do. ...		X	
Municipal Commissioners may borrow money by way of debenture on the security of, ...		IX	
do. do. do. ...		X	77
(Vide <i>Pier.</i>)			
TOTY			
is a village servant under Act IV of 1864 ...	1864	IV	
TOWN			
meaning of the word, in Act IX of 1865...	1865	IX	
do do. in Act X do. ...		X	ib.
limits of a, may be defined by Government for purposes of Act X of 1865...		X	
(Vide <i>Madras Municipal Act.</i>)			
TOWNS IMPROVEMENT ACT			
* Governor in Council to define limits of towns and create unions of places for purposes of Act ...	1865	X	
extension of Act to towns ...		X	
<i>Municipal Fund</i> — *			
what shall constitute the, ...		X	13
Clerks, Officers, &c., appointed by the Town Commissioners to be paid out of the, ...		X	24
purposes for which the, shall be appropriated ...		X	
disposal of funds collected by Town Commissioners ...		X	
mode of drawing money... ..		X	34
<i>Town Commissioners.</i> —			
appointment and removal of, ...			
who are to be <i>ex-officio</i> ,... ..			
to have and use a common seal ...		X	9
contracts on behalf of, how and by whom to be executed...		X	ib.
empowered to sue and be sued, to hold property and to enter into contracts... ..			10
public highways, &c., vested in the, ...			11
powers of, to purchase and sell lands ...		X	14

INDEX.

TOWNS IMPROVEMENT ACT—continued.

Town Commissioners—continued.

	Year.	Act.	Sec.
land needed for a public purpose by, how to be obtained...	1865	X	15
not personally liable for contracts, &c., but only for mis-			
application, &c., of money	..	X	16
penalty on, for being interested in contracts	..	X	17
to keep an office for transaction of business	..	X	18
meetings of,	..	X	ib.
who to preside at meetings of,	..	X	19
President of, to have a casting vote	..	X	20
proceedings of, how to be recorded, &c.	..	X	21
President of, may, in certain cases, exercise the powers of,	..	X	23
President of, to appoint Clerks, Officers, &c.,	..	X	24
if, refuse or omit to act, President may assume their func-			
tions...	..	X	28
after 2 weeks' notice	..	X	ib.
subject to disallowance of his acts by Government	..	X	ib.
functions of, not to cease by assumption of the same by			
the President	..	X	ib.
Superintendent of Police to furnish the, with annual			
statements of expenditure, &c.	..	X	30
submission and publication of annual reports of proceed-			
ings of,	..	X	32
disposal of funds collected by,	..	X	33
mode in which, are to draw money	..	X	34
may, with sanction of Government, levy—			
(a.) rates on houses, buildings and lands...	..	X	37—44
(Vide Rates.)			
(b.) tax upon arts, professions, trades and callings	..	X	45—49
(Vide Taxes.)			
(c.) tolls on carriages, carts and animals entering the			
Municipal limits	..	X	50—56
(Vide Tolls.)			
(d.) taxes on carriages, horses and animals	..	X	57—64
(Vide Taxes.)			
(e.) fees on the registration of carts	..	X	65—68
(Vide Registration.)			
rates and taxes how to be collected by,	..	X	72
			et seq
bill to be presented	..	X	72
notice of demand	..	X	73
rate due from owner may be recovered from occupier,...	..	X	74

TOWNS IMPROVEMENT ACT—*continued.**Town Commissioners—continued.*

	a.	c	Sec
distress for non-payment	... 1865	X	73
do warrant of,	....	X	ib.
do notice of sale of,	.....	X	75
do sale of,	.....	X	76
do fees for,	.....	X	ib.
power of, to make compensation out of Municipal Fund...		X	142
(Vide <i>Assessment.</i>)			
(„ <i>Bye-Laws.</i>)			
(„ <i>Buildings.</i>)			
(„ <i>Debenture.</i>)			
„ <i>Estimate.</i>)			
„ <i>Houses.</i>)			
„			
(„ <i>Licenses.</i>)			
(„ <i>Police.</i>)			
(„ <i>Prosecution.</i>)			
(„ <i>Punishment.</i>)			
(„			
(„ <i>Registration.</i>)			
(„ <i>Sewers.</i>)			
(„ <i>Streets.</i>)			
(„			
(„			
„			

TRADER

every wholesale, liable to Municipal tax..	1865	IX	
do. do. ...	„		46

TRADES

levy of tax on. (Vide <i>Taxes.</i>)			
fouling water by offensive,...	.... 1865	IX	149
regulation of offensive,..		IX	162 to 169
penalty for establishing certain offensive or dangerous,....	„	X	114
licenses to be granted to carry on certain,...	.... „	X	115
dangerous already existing, how to be dealt with,		X	116
Secretary of Bank of Madras cannot engage in,	1862		26
Deputy Secretary of Bank of Madras cannot engage in			ib.
Head Accountant of Bank of Madras cannot engage in,..			ib.

TREASURY

(Vide *Bank of Madras and Government Treasuries.*)

TREES

growing on public streets vested in the Municipal Com			
missioners...	..... 1865		78

	Year.	Act.	Sec.
TREES—continued.			
power of Commissioners to trim hedges, &c.	1865	IX	117
do. do. do.	"	X	131
TRIMMING			
of hedges and trees overhanging in a public street	1865	IX	117
do. do. do.	"	X	131
TROOPS			
no tolls shall be levied for the passage of,	1865	IX	38
do. do. do.	"	X	53
TROUGHS			
(Vide <i>Houses.</i>)			
TUNNELS			
Commissioners may construct, with sanction of Govern- ment.	1865	IX	79
(Vide <i>Sewers.</i>)			
UNLAWFUL ENTRY			
punishment for, into apartments of women	1864	II	21
do. do.	1865	VIII	30
UNWHOLESOME FOOD			
sale of,...	1865	IX	166
search and seizure of,		IX	167
do.		X	112
URINALS			
Municipal Commissioners to provide common,	1865	IX	
do. do.		X	90
VACANT HOUSES			
remission of assessment on account of, ..	1865	IX	51
do. do.		X	44
VAKEEL			
every, liable to Municipal tax...	1865	IX	44
do. do.			46
VALUATION			
and measurement of houses, buildings, and lands for levy of Municipal rates...	1865	IX	52, 53
do. do. do.		X	38, 39
(Vide <i>Rates.</i>)			
VAULT			
license for opening, may be granted by Commissioners ...	1865	IX	171
VEGETATION, NOXIOUS—			
(Vide <i>Noxious Vegetation.</i>)			
VERANDAHS			
Commissioners may allow, to be put up in public streets...	1865	IX	110

	Year.	Act.	Sec.
VESSELS			
carrying Native Passengers (Vide <i>Overcrowding.</i>)			
VETERINARY SURGEON			
every, liable to Municipal tax	1865	IX	44
do. do.	"	X	46
VETTYAN			
is a village servant under Act IV of 1864	1864	IV	7
VILLAGE ARTIZANS			
(Vide <i>Artizan.</i>)			
VILLAGE CESS			
(Vide <i>Cess.</i>)			
VILLAGE MOONSIFF			
(Vide <i>Moonsiff.</i>)			
VILLAGE SERVANTS			
(Vide <i>Cess.</i>)			
VILLAGE SERVICE FEES			
may be recovered as arrears of Revenue ..	1864	II	52
Act providing for the levy of Village Cess in lieu of, (Vide <i>Cess.</i>)	"	IV	
VOTING			
at meetings of proprietors of Bank of Madras	1862	V	18—22
WAGONS, ORDNANCE—			
exempted from Municipal tax..	1865	IX	22
need not be registered..	"	IX	32
	"	X	66
WARRANT			
for arrest of defaulter or surety for non-payment of Revenue	1864	II	49
for discovery of unlicensed stills or liquor illicitly sold ..		III	23
Police may inspect places licensed for manufacture and sale of liquor without,	"	III	24
for ejectment of tenant, when to issue and what to contain	1865	VIII	41,42
execution of such,	"	VIII	43
protection to Revenue or Police Officers for issue or execu- tion of such,		VIII	45
of arrest of defaulter for non-payment of Rent		VIII	45,46
execution of, may be suspended in certain cases		VIII	47
Revenue or Police Officers issuing or executing such, protected *		VIII	78
issue of, for search and seizure of unwholesome food intend- ed to be sold...		IX	166
do. do. do.		X	112
(Vide <i>Distress.</i>)			

WARRANT OF DISTRESS

may issue for recovery of Fines, &c., under Towns Improvement Act	1865	X	136, 137
---	----	-----	------	---	-------------

WARUM

rent may be discharged in kind according to;			1865	VIII	11
where, cannot be ascertained, Collector to fix rates	...			VIII	ib.

not included under the term "Village servants" used in Act IV of 1864	1864	IV
---	----	----	----	------	----

WASTE LANDS

landholders may arrange their own terms of rent in the case of immemorial,	.....	.....	1865	VIII	11
such arrangement not to affect special rights	.....			VIII	ib.
puttahs may be granted at a low rate of assessment, for clearing or bringing, into cultivation	.....			VIII	ib.

ATCHUMAN

(Vide *Palaiyari*.)

WATER

watering of streets	...	...	1865	IX	93
public tanks, reservoirs, cisterns, wells, &c., vested in the Municipal Commissioners	...			IX	146
do. do. do.				X	99
pipes, pumps, and other works vested in the Municipal Commissioners	...	...		IX	146
construction and maintenance of tanks, &c., for the supply of,	...	...	..	IX	147
fouling, by bathing	...			IX	148
do. do. ...		...		X	101
do. by offensive trades	...			IX	149
do. by gas works	...	...		IX	ib.
examination of gas and other works by which, may have been fouled	...	...	..	IX	
washing animals, &c., in a tank, &c., belonging to Commissioners	..	...		IX	148
throwing rubbish into public tanks, &c.	...		..	IX	ib.
allowing drains, &c., to flow into public tanks, &c.	...		..	IX	ib.
injuring, works, or diverting, belonging to Commissioners			..	IX	150
Commissioners may set apart bathing places	...			IX	151
cleansing and draining of unwholesome tanks on private premises				IX	152
do. do. do.				X	102

			Sec
WATER—continued.			
cleansing and draining of all receptacles of stagnant,	... 1865	IX	153
do. do. do.	...	X	103
dangerous tanks, &c., to be repaired and enclosed	...	X	104
(Vide <i>Bathing, Water Cess.</i>)			
WATER CESS			
Act providing for the levy of a,	1865	VII	
may be levied in addition to land assessment wherever			
water is supplied for irrigation purposes from any			
river, tank, &c., constructed by Government ..		VII	1
rules for the levy of, may be prescribed by Government		VII	ib.
may be recovered as arrears of land revenue		VII	2
no action lies against any officer for levy of water-rates			
heretofore imposed by Government		VII	3
may be imposed on lands hold by Zemindars, Inamdars,			
and other landholders in certain cases .		VII	4
WATER COURSES			
sufficient number of, to be provided by the Municipal			
Commissioners...	..... 1865	IX	
WATERING			
of streets	.... 1865	IX	93
(Vide <i>Streets.</i>)			
WATER PIPES			
situation of, laid in streets may be altered by Commis-			
sioners, .....	..... 1865		156,157
WATER WORKS			
construction and maintenance of,			
fouling water in, belonging to Commissioners	1865	IX	149
Commissioners may alter situation of gas pipes or, in streets		IX	156—157
(Vide <i>Water.</i>)			
WAYS			
sufficient number of convenient, to be provided by the			
Municipal Commissioners.....	..... 1865	IX	154
WEATHER FRAMES			
may be put up in streets with permission of Commis-			
sioners .....	.. 1865		110
WEIGHTS			
inspection of, by Commissioners.....	1865	X	113
WELLS			
dangerous, to be repaired and enclosed ..	1865	IX	161
do. do. ...		X	104
(Vide <i>Water.</i>)			

WINDOWS

not to open outwards so as to cause obstruction in streets. 1865 IX 105—
106

WINE

included in the definition of the term "liquor" used in
Act III of 1864 1864 III "

WITNESSES

(Vide *Summary Suit.*)

WOMEN

distrainer how to proceed in cases where he has to
enter apartments of, to attach property 1864 20
do. do. do. 1865 VIII 28,29
punishment for unlawful entry into apartments of, 1864 II 21
do. do. do. 30

WOOD YARD

owner of, to register the same 1865 IX
do. do. ... 114

WORKS

Municipal Commissioners may borrow money by way of
debenture for construction of, ... IX
do. do. do. ... X
rights of entry and powers of Municipal Commissioners
in reference to, ... IX
(Vide *Estimate, Gas, Water Works.*)

WORSHIP

buildings used as places of, exempt from the Municipal
rates... .. 1865 IX

YARD

for public resort, keeper of a, to take out license 1865 IX 118

ZEMINDARS

comprised under the term "landholder" used in Act II
of 1864 1864 II
comprised under the term "landholder" used in Act VIII
of 1865 1865 VIII ib.
lands held by, subject to water cess in certain cases VII

distrainer how to proceed in cases where he has to
enter apartments to attach property for arrears of
Revenue 1864 20
do. 29

ZENANA—*continued.*

punishment for unlawful entry into,	1864,	II	21
do. do.		III	30
entry into, by Municipal C		IX	139

ZILLAH COURTS

at may change stations of, and alter limits of existing Districts or Zillahs	1865,	I
--	-------	---

ZILLAH JAILS

(Vide *Jails.*)

